



**ALAMEDA COUNTY COMMUNITY  
DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**STAFF REPORT**

**TO: WEST COUNTY BOARD OF ZONING ADJUSTMENTS**

**HEARING DATE: DECEMBER 14, 2011**

**GENERAL INFORMATION**

**APPLICATION**

**TYPE AND**

**NUMBER:** PLN2011-00096, Conditional Use Permit and Variance

**OWNER/**

**APPLICANT:** Valley Guns & Ammo//Nobriga, Steve

**PROPOSAL:** To allow the operation of a gun shop, and at a distance of less than 500 feet from a residentially zoned district, where 500 feet is required.

**ADDRESS AND**

**SIZE OF PARCEL:** 488 Lewelling Boulevard, south side, 140 feet west of Hesperian Boulevard, Ashland area of unincorporated Alameda County, with County Assessor's Parcel Number: 413-0097-001-03. The parcel is approximately 14,800 square feet (0.34 acres) in area.

**ZONING:** FA (Freeway Access) District according to the *Ashland and Cherryland Business District Specific Plan*, allowing large scale, general commercial land uses that benefit from freeway access and exposure.

**EDEN AREA**

**GENERAL PLAN**

**DESIGNATION:** *Eden Area General Plan* of Alameda County designates this property as GC, (General Commercial). The General Commercial designation allows for a wide range of commercial uses that encompass small offices, local and regional retail establishments and automobile-oriented uses to meet the needs of Eden Area residents, employees and pass-through travelers. Offices are particularly encouraged in commercially designated areas to enhance the employment base of the area. Commercial parcels have a maximum FAR of 1.0.

**ENVIRONMENTAL**

**REVIEW:** This project is Categorical Exempt from the requirements of the *California Environmental Quality Act*; Article 19, Section 15303, Class 3, New Construction or Conversion of Small Structures. Consisting of construction and location of limited numbers of new, small facilities or structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

## RECOMMENDATION

The recommendation to the West County Board of Zoning Adjustments is to determine that the proposed location of the firearms sales is within 500 feet of the residential district. Staff is unable to make the findings herein for the Conditional Use Permit and Variance, and recommends denial of the application, PLN2011-00096.

## PARCEL ZONING HISTORY

In 1954, the first zoning regulations were applied to the areas in the northwest Eden Township. The 49<sup>th</sup> Zoning Unit designated a C-2 (General Commercial) District for this area.

October 10, 1966, Variance V-3876 approved expansion of a nonconforming use (residence in a commercial district, structures encroaching into Special Building Line, required amount of off-street parking not provided) and to construct a building so as to (1) encroach 20 feet into an established Special Building Line and (2) reduce off-street parking spaces from the required 17 spaces to 7 spaces.

January 9, 1967, Variance V-3989 approved: (1) the location of a sign in a Special Building Line; (2) sign extends above the roof line; (3) sign contains 70 sq. ft. (double faced sign with 35 sq. ft. on each side) where the Ordinance limits the area to 68 Sq. ft. and no one sign exceeding 40 sq. ft.

October 16, 1974, Variance V-6509 was approved on appeal to retain a nonconforming outdoor advertising sign. Expiration December 2, 1978.

In 1995, the Board of Supervisors adopted the *Ashland and Cherryland Business District Specific Plan* for the commercial districts of the Ashland and Cherryland communities. The *Specific Plan* promotes transit oriented development as well as development that takes advantage of existing highway and freeway access. There are six identified business districts which include mixed-use development along Lewelling/East Lewelling Boulevard between Hesperian Boulevard and Mission Boulevard.

## SITE AND CONTEXT DESCRIPTION

Physical features: This is a triangular shaped site with 150 feet of frontage on Lewelling Boulevard, 165 feet of width at the back, bordering on Highway 880, and 140 feet of width adjacent to the corner property to the east. The only access to the property is the frontage on Lewelling Boulevard. The 2,237 square foot, single story building, built in 1947, is a currently vacant store front space with two small offices and a bathroom. The building is located at the southeastern corner of the site, set back from the street. There is a second building on the parcel that is an upholstery shop use. Parking for 18 cars makes up the remainder of the property. There is a billboard sign facing Highway 880, behind the upholstery shop.

Adjacent area: The property is located on the south side of Lewelling Boulevard, along a mixed use commercial and residential corridor along Lewelling Boulevard in the Ashland area of unincorporated Alameda County. The north side of Lewelling Boulevard is within the City of San Leandro. A Kelly Moore Paint store is located on the adjacent property to the east. The property is in close proximity to an In-N-Out Burger restaurant, Walmart, Rasputin's Records, and a Big Five Sporting Goods store in a strip mall development across the Lewelling/Hesperian intersection. A Kragen's Auto Supply store is across Hesperian Boulevard. The residential properties are across Highway 880 to the southwest, and across Hesperian Boulevard to the east.

## PROJECT DESCRIPTION

This petition is to allow firearms sales (gun shop), and at a distance of less than 500 feet from a residentially zoned district, where 500 feet is required. The distance from a residential district has been determined to be approximately 446 feet in two directions. The distance was measured from the closest building exterior wall of the gun shop to the property line of the residentially zoned district. The business is proposed to be located within an existing building that has historically been used for retail business. No additional floor area or building expansion is proposed as part of this project. This application at this location requires the Conditional Use Permit public hearing process to allow legal sales of firearms in this zoning district, and a variance when located closer than 500 feet to the nearest residentially zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served.

## REFERRAL RESPONSES

Alameda County Building Department: Responded September 16, 2011. The Building Department has no comment for the proposed Conditional Use Permit. A Building Permit will be required for site work associated with the proposed use. General Conditions for Building Permit Applications will apply.

Alameda County Land Development: Responded on August 31, 2011. Staff reviewed the referral and attachments and stated that its office has no comment at this time with regard to this application based on what they could determine from the plans submitted at the time.

Public Works Agency, Traffic: Has not responded as of this writing.

Alameda County Sheriff's Office: Responded on August 23, 2011. Staff reviewed the referral and attachments and requests the following:

- Like to see additional security features added to the building including/hold up alarm, video surveillance system, additional exterior lighting, heavy security doors and locks, also shatter resistant windows.
- Compliance with applicable laws and regulations, such as the Office of the Attorney General California Department of Justice, Dangerous Weapons Control Laws Title 2, Part 4.
- U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Firearms Regulations.
  - ✓ Gun Control Act, 18 United States Code, Chapter 44.
  - ✓ National Firearms Act, 26 United States Code, Chapter 53.
  - ✓ Arms Export Control Act, 22 United States Code, Chapter 2778.
  - ✓ National Instant Criminal Background Check, Title 28 CFR, Chapter 1.
- Requires a Retail Firearms Dealer License, per Penal Code 12071.
- Requires compliance with Firearms and Dangerous Weapons, Chapter 9.12.

Zoning Enforcement: Has responded on August 15, 2011. Staff reviewed the referral and attachments and stated that its office has no comment at this time.

California Highway Patrol: Has not responded as of this writing.

Alameda County Health Agency: Has not responded as of this writing.

Alameda County Fire Department: Responded on September 8, 2011. Correspondence from the Fire Department stated that the Applicant must address five items with a required re-submittal prior to the issuance of a Building Permit and Fire Clearance for occupancy:

- How much Smokeless power will be stored on site?
- Provide Manufactures Specifications on the ATF approved Container.
- Indicate the Occupancy load of the facility as two exits may be required and only one is shown.
- Provide details on the security gate installed across the display area. Is there an emergency release device to prevent people from becoming stranded?
- During the Building Permit Process, Emergency Lighting and Exit signs shall be required. Show the locations on the plans.

San Lorenzo Village Home Association: Has responded on October 31, 2011. Without a majority of residence at the meeting there were the two factions that spoke – the right to own firearms, and those generally opposed to guns. The concerns related to this particular gun shop at this location were:

- The fact that the use is a gun shop should not be factored into the decision, rather the ordinance regulations.
- The proximity to an already existing sporting goods store that sells guns and ammunition.
- The proximity to a bar was stated as a concern.
- Concern that the gun shop would be located near the headquarters of a motorcycle club that has ties to the Hells Angels.
- Concerns were raised about the type of weapons that would be sold.
- The mention that, if the gun shop was to serve Castro Valley, Ashland, Cherryland, why can't it be located closer to the population center of the targeted business community.

Cherryland Community Association: Has responded on September 19, 2011. The community association board states that it is split on this project:

- The business is not an asset to the community.
- The Association wants to attract the kind of business we want and need in the community.
- Police and Sheriff officers should purchase their weapons in their own community.
- This business is not locally owned.
- There are already other gun stores in the area.

Ashland Area Community Association: Has responded on September 26, 2011. The community association board states that it is not in support of the project, and that Zoning laws are in place to preserve neighborhoods and protect residents. The association states: Just follow the law and say no.

City of San Leandro Planning: Has responded on August 11, 2011. Staff reviewed the referral and attachments and stated that its office has no comment at this time.

## **CURRENT FACTS**

The West County Board of Zoning Adjustments hearing, which was held on November 16<sup>th</sup> brought up issues that required additional information. That information will be discussed at this point in the staff report.

### Minimum Distance Requirement

The requirement to apply for a Variance with this application comes from the distance measured from the proposed firearms sales location and nine distinct other land use locations. The language in the Zoning Ordinance for that distance is clear – five hundred (500) feet. The language of how that 500 feet is measured is not quite so clear – that is from what point to what point is the 500 feet measured. Section

17.54.131, Conditional Uses – Firearms Sales, subsection (B) states: “That the subject premises is not within five hundred (500) feet of any of the following: residentially zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served”.

The only language for interpretation is “subject premises” to establish a point to take a measurement. Premises could be property boundary line, but that could be stated as “property boundary line”. If there is more than one structure or business on the property, then “premises” would have to be defined as the specific structure, or area of the structure, of strip mall. The property in this application has two structures located on it – the vacant building proposed for the gun shop and an upholstery shop.

The points of measurement used in this report to determine the 500 feet distance are from the building wall of the structure proposed for the gun shop use (the premises) that is closest to the residentially zoned district or other land use location to be considered as described in the Zoning Ordinance\*.

The method used by the Planning Department to make the measurements has been the Ortho Photographic projection from Pictometry using 500 foot buffer on ESRI, ArcMap (Version 9.3), on Windows 7 software.

Other measurements have been presented and talked about that have produced varying results. Staff will present the following table to explain those measurements.

<b>MEASURED FROM:</b>	<b>MEASURED TO:</b>	<b>DISTANCE MEASURED:</b>
Building wall of the proposed gun shop*	Residentially zoned district	445.9 feet
Front door of the proposed gun shop	Residentially zoned district	492.39 feet
Property line of the proposed gun shop	Residentially zoned district	432.94 feet
Building wall of the proposed gun shop*	Building wall of other firearms sales business, (Big 5 Sporting Goods, 15556 Hesperian Blvd.)	607 feet
Building wall of the proposed gun shop*	Private school (Grounds), International Christian Center East Bay (School), 562 Lewelling Blvd.	1,100 feet
Building wall of the proposed gun shop*	Building wall of an establishment serving liquor, (Usher Inn, 391 Lewelling Blvd.)	620 feet



The following measurements were submitted by the applicant as per his request to the County Survey Department.

MEASURED FROM:	MEASURED TO:	DISTANCE MEASURED:
Front door of the proposed gun shop	Back door of the dwelling in the residentially zoned district	560 feet
Front door of the proposed gun shop	Back door of the dwelling in the residentially zoned district	532 feet
Front door of the proposed gun shop	Front door of the dwelling in the residentially zoned district	534 feet

The method used to make the measurements by the County Survey Department was as requested by the applicant. The software used was Orthophoto (Sanborn Images, Scaled images orthorectified) on ArcMap (Version 9.3).

The following measurements were submitted by the applicant with the original application submittal, as "Exhibit A" with measurements provided from Google mapping tools.

MEASURED FROM:	MEASURED TO:	DISTANCE MEASURED:
Front door of the proposed gun shop	Front door of the dwelling in the residentially zoned district	504.63 feet
Front door of the proposed gun shop	Property line of a multi-family property	630 feet
Front door of the proposed gun shop	Front door of the dwelling of a residentially zoned district	505.6 feet
Front door of the proposed gun shop	Wall of other firearms sales business	620.95 Feet
Front door of the proposed gun shop	Establishment serving liquor	660.91 feet

### THE LIST OF OTHER GUN STORES IN ALAMEDA COUNTY

15556 Hesperian Boulevard, San Lorenzo  
 22287 Redwood Road, Castro Valley  
 3636 Castro Valley Boulevard, Castro Valley  
 2129 Newpark Mall, Newark  
 3820 Mowry Avenue, Fremont  
 40927 Grimmer Boulevard, Fremont  
 6600 Dublin Boulevard, Dublin  
 4514 Las Positas Road, Livermore  
 1870 First Street, Livermore  
 2558 Old First Street, Livermore

### STAFF ANALYSIS

#### Conformance with the General Plan

*Eden Area General Plan.*

### 3. Land Use Element

**A.1. Commercial:** Commercial land uses include parcels that contain a number of business types including retail, office, and medical facilities. Commercial development is predominantly located along arterial roadways such as East 14th Street/Mission Boulevard, Hesperian Boulevard, Foothill Boulevard and Lewelling Boulevard, and at key intersections of collector streets. Commercial development in the Eden Area consists of a mixture of strip and stand-alone commercial buildings, often set back from the street and having limited relationship to one another or adjacent land uses.

**D.1. General Goals, Policies and Actions:** This section provides general goals, policies, and actions that apply to the Eden Area as a whole. D.3. Corridors: Corridors are linear areas with a mix of uses along major roadways that provide a variety of needs for surrounding neighborhoods. This section provides guidance about the County's plan for the Corridors in the Eden Area.

**E.1a Specific Guidance Areas: 1.a. Four Corners**

*1.a.1.* The Four Corners area of Lewelling Boulevard shall be developed as a District with a diverse mix of uses that serves as a community meeting and gathering place, through the development of public and private partnerships.

*1.a.2.* The intersection of Interstate 880 with Lewelling Boulevard should be designed as a gateway into the Eden Area. Special attention should be given to the types of uses and design of this area to ensure that development is visually attractive.

*1.a.3.* The County should explore designating Four Corners as a historic district due to its significance in the development of the Eden Area.

*1.a.4.* Historic buildings and sites in Four Corners should be identified and preserved.

The proposed firearms sales store could be a questionable use when guided by the *Eden area General Plan*. The current structures are vintage 1947 and are in need of façade improvement. Generally, the location of the property, and existing site and context, make the proposed use difficult to match with this property. The *General Plan* states that: "special attention should be given to the types of uses and design of this area to ensure that development is visually attractive." This proposal does not include physical improvements to the building or site, in addition to exterior paint and planter boxes. The proposed improvements do not rise to the level of "visually attractive". Also, the subject property is located within the Lewelling Boulevard corridor, part of the *Eden Area General Plan*. For the Lewelling Corridor, the Eden General Plan promotes a "variety of uses". However, the General Plan goal to promote a "variety of uses" did not consider "gun store/firearms sales" as part of that desirable mix of uses.

Following are excerpts from the *Eden Area General Plan* that guide and inform the review and consideration of this application for Conditional Use Permit. Compatibility with existing neighborhood character is a consistent theme reflected in the land use policies.

***Eden Area General Plan (2010)***

Goal LU-1	Establish a clearly defined urban form and structure to the Eden Area in order to enhance the area's identity and livability.
Policy 7	On parcels that have a viable use in place when this General Plan is adopted, the uses may remain in place until such time as the property is redeveloped. When a property is redeveloped, the new use shall be required to conform to the land use designations in this General Plan.
Goal LU-7	Create attractive Corridors with a mix of uses throughout the Eden Area.
Policy 1:	The redevelopment of corridors shall be a priority for the County as it is a key to revitalizing the Eden Area.
Policy 7:	The County shall utilize its Design Guidelines as an implementation tool to require higher quality and more appropriately scaled development in the Eden Area.

This request for a gun shop may not comply with the “gateway” concept into the Eden Area. There are no substantial modifications proposed to the existing buildings on the subject property.

Design Guidelines include: maintain the desirable qualities and character of existing neighborhoods; consider creating existing corridors to preserve the look and feel of existing neighborhoods; collaborate the County Redevelopment Agency to promote neighborhood identity and beautification; work with existing Neighborhood Associations in the referral process for projects in their areas; consider the establishment of neighborhood-level design review boards.

The proposal would only involve internal tenant improvement work on an existing building located at the back of this small property, and would not change the exterior of the building as seen from the street, with the exception of painting the building, signage, and doors (See attached site plan and elevations). The project remains questionable as to conforming to the guidelines.

There is existing space at the perimeter of the property to provide new landscape material that would be an improvement, along with the placement of potted plants.

**Conformance with the Specific Plan**

This site is within the *Ashland Cherryland Business District Specific Plan* adopted by the Alameda County Board of Supervisors on June 1, 1995. The *Ashland Cherryland Business District Specific Plan*, designation of FA (Freeway Access) cites examples of land uses allowed, it does not specifically exclude retail gun shops as a land use.

The subject property is located in the FA (Freeway Access) land use designation of the *Ashland and Cherryland Business District Specific Plan*. The FA *Specific Plan* designation allows for large scale, general commercial land uses along busy streets that have access from freeways. Firearms sales are conditionally permitted in some Specific Plan land use designations such as the FA land use designation. Currently, “retail (firearms) sales, equipment sales general store” are illustrative examples of the types of general commercial land uses that could benefit from freeway access and exposure. The surrounding areas along Lewelling and Hesperian Boulevards are a mix of commercial and residential uses.



**Conformance with the Zoning Ordinance**

Title 17 of the Zoning Ordinance states the following:

**17.54.131 – Conditional uses---Firearms sales.**

In addition to the findings required of the board of zoning adjustments under Sections 17.54.130 and 17.54.140, no conditional use permit for firearms sales shall issue unless the following additional findings are made by the board of zoning adjustments based on sufficient evidence:

- A. That the district in which the proposed sales activity is to occur is appropriate;
- B. That the subject premises is not within five hundred (500) feet of any of the following: residentially zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served;
- C. That the applicant possesses, in current form, all of the firearms dealer licenses required by federal and state law;
- D. That the applicant has been informed that, in addition to a conditional use permit, applicant is required to obtain a firearms dealer license issued by the county of Alameda before sale activity can commence, and that information regarding how such license may be obtained has been provided to the applicant;
- E. That the subject premises is in full compliance with the requirements of the applicable building codes, fire codes and other technical codes and regulations which govern the use, occupancy, maintenance, construction or design of the building or structure;
- F. That the applicant has provided sufficient detail regarding the intended compliance with the Penal Code requirements for safe storage of firearms and ammunition to be kept at the subject place of business and building security.

**17.54.141 – Conditional uses---Action---Firearms sales.**

In order for a conditional use permit for firearms sales to become effective and remain operable and in full force, the following are required of the applicant:

- A. A final inspection from appropriate building officials demonstrating code compliance;
- B. Within thirty (30) days of obtaining a conditional use permit, and prior to any sales activity, a firearms dealer license shall be secured from the appropriate county agency;
- C. The county-issued firearms dealer's license be maintained in good standing;
- D. The maintenance of accurate and detailed firearms and ammunition transaction records;
- E. Transaction records shall be available for inspection as required by the California Penal Code;
- F. Compliance with all other state and federal statutory requirements for the sale of firearms and ammunition and reporting of firearms transactions, including, but not limited to Section 12070 et seq. of the California Penal Code.

**GENERAL DISCUSSION**

This application is to allow a firearms sales (Valley Guns and Ammo) business operation at the proposed site on Lewelling Boulevard. The ordinance states that this business requires prior consideration for approval of a Conditional Use Permit through the public hearing process and a Variance because the firearms sales would be located fewer than 500 feet from established residences.

The applicants have 38 years of firearm shop business ownership experience and knowledge. There are three owner/operators that will attend the shop five days a week, Tuesday through Saturday, 10:00 am to 6:00 pm.

The applicant has provided staff with a collection of 1,200 individually signed letters of support from the

general public and 113 individually signed letters of support for the shop from police officers, as well as a personal letter of endorsement from Alameda County Sheriff Emeritus Charles C. Plummer.

### **SERVICES PROVIDED**

The operation would generally be described, as above, as the sales of firearms and supplies. Beyond that, the store owners state that they will offer: firearms instruction; classes in hunter safety by certified instructors; handgun certificates (required); firearms repairs; catalog sales; gun cases and safes; vintage and collectibles (early 1800's to the present); new and used hand gun and sporting rifles and shot guns, B-B, pellet, and air rifles. Services will include consignment and appraisals. NO ASSAULT WEAPONS will be sold from the store. They would also sell hunting and fishing tags and licenses, and hand gun safety certificates would be issued.

### **DISTANCE FROM OTHER BUSINESSES & NON-RESIDENTIAL SENSITIVE USES**

The ordinance language requires that a firearms sales business be located 500 feet from the nearest residentially zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served. The Big 5 Sporting Goods store that is located in the strip shopping center to the northeast across Hesperian Boulevard sells firearms, but is beyond the 500 foot radius from building to building. The Walmart store across Lewelling, to the north, sells ammunition, but not firearms. There are over 600 feet to a business where liquor is served. A private school is located approximately 1,100 feet from the subject site.

### **DISTANCE FROM RESIDENTIAL ZONED PROPERTY**

The Zoning Ordinance requires that to sell firearms the premises must be more than 500 feet from residentially zoned districts. That measurement is taken from the building wall of the subject use (firearms sales shop) to the property line of the residentially zoned districts.

The measurement taken from the closest exterior wall of the gun shop to the closest property line of a residentially zoned district in this case is less than 500 feet in two directions. The closest is to the southeast to the residences 446 feet away across Hesperian Boulevard and behind Kragen Auto Parts store on Albion Avenue. Because of the unconventional wedge shape of the nearest property, this measurement is taken from the proposed gun shop to a usable location inside the property line to remove any doubt of the distance measured. The other distance is to the southwest from the proposed gun shop location, 446 feet to the residentially zoned properties on Paseo del Rio in San Lorenzo Village. The 446 foot distance is measured to the property line with Highway 880 in between.

### **PARKING**

Parking for the retail shop is required by Section 17.52.930 to be one (1) parking space for each 300 square feet of floor area. There would be approximately 1,875 square feet of floor area in the shop. That would figure out to be parking spaces required for 7 cars. There are 12 on-site parking spaces, including one handicapped space on the property. The existing number of parking spaces, therefore, meets the required number of spaces per the zoning ordinance.

**TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING**

**CONDITIONAL USE PERMIT:**

1. Is the use required by the public need?

Yes. There is a need to provide the opportunity to the public to purchase firearm sales in a qualified, licensed establishment. Unincorporated Alameda County currently has four (4) licensed firearms sales businesses. The necessary number of firearms sales establishments to serve the public need is left up to the market.

2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?

Yes. The firearms sales shop is located in a mixed use retail/commercial area on a major thoroughfare where the surrounding public streets, and freeway access are adequate and all necessary improvements and services are available.

3. Will the use, if permitted, under all circumstances and conditions of this particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?

No. The firearms sales shop will be properly licensed, inspected, and security installed and shall meet all applicable life-safety, and fire code requirements, with proper inventory security devices, and no adverse effects are otherwise anticipated.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

Yes. The Zoning Ordinance requires a Conditional Use Permit for firearms sales, and does not allow firearms sale within 500 feet of a residentially zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served. The site proposed with this application is approximately 446 feet from a residentially zoned district. An approved Variance would be required to make this finding. A Variance application has been submitted and is part of this application.

In addition to the findings required of the Board of Zoning Adjustments under Sections 17.54.130 and 17.54.140, no conditional use permit for firearms sales shall be issued unless the following additional findings are made by the board of zoning adjustments based on sufficient evidence:

- A. That the district in which the proposed sales activity is to occur is appropriate;

**This could be a questionable site.** The *Eden Area General Plan* calls for "Mixed uses" in the "General Commercial" designation, which is where this site is located. However, the General Plan goal to promote a "variety of uses" did not consider "gun store/firearms sales" as part of that desirable mix of uses.

- B. That the subject premises is not within five hundred (500) feet of any of the following: residentially

zoned district; elementary, middle or high school; pre-school or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served;

**This finding can not be made.** The proposed site is less than 500 feet from two residentially zoned districts. However, one such district is located on the other side of Highway I-880, which cannot be traversed. The other residentially zoned district can be easily accessed from the subject site.

C. That the applicant possesses, in current form, all of the firearms dealer licenses required by federal and state law;

**Affirmative.** The applicant has the required licenses and is knowledgeable about the firearms business operation having 38 years of prior firearms shop business ownership and experience.

D. That the applicant has been informed that, in addition to a conditional use permit, applicant is required to obtain a firearms dealer license issued by the county of Alameda before sale activity can commence, and that information regarding how such license may be obtained has been provided to the applicant;

**Affirmative.** Staff has discussed the licensing requirements with the applicant in meetings and he is aware of the licensing requirements.

E. That the subject premises is in full compliance with the requirements of the applicable building codes, fire codes and other technical codes and regulations which govern the use, occupancy, maintenance, construction or design of the building or structure;

**If approved as to the use, the premises would undergo the required alteration to bring it into full compliance with codes, regulations, occupancy, maintenance, construction, and safety design for the gun shop use. There are no exterior design changes proposed, except for proposed exterior paint and potted plants.**

F. That the applicant has provided sufficient detail regarding the intended compliance with the Penal Code requirements for safe storage of firearms and ammunition to be kept at the subject place of business and building security.

**The applicant has had prior experience with the Code requirements to operate firearms and ammunition sales type of business, and as shown the firearms will be kept safe and secure.**

#### **TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING**

##### **VARIANCE:**

1. Are there special circumstances applicable to the property, which deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification?

No. There are no special circumstances applicable to the property, which deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification when considered for firearms sales use. The property that proposed for the firearms sales is within 500 feet of a residentially zoned District. This is not allowed by the Zoning Ordinance. It should be noted that the 500 foot distance to the southwest is across the lanes of Highway 880, which cannot be traversed.

2. Will granting of the application constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone?

Yes. The granting of firearms sales at the proposed location would constitute a grant of special privileges inconsistent with the location requirements given the establishment of this use within 500 feet of residentially zoned properties. Other firearms sales shops without special circumstances would not be granted a variance in the area due to the existing residential property development within 500 feet.

3. Will granting the application be detrimental to persons or property in the neighborhood or to the public welfare?

Yes. The use will be detrimental to persons or property in the neighborhood or to the public welfare because there is less than the required distance of 500 feet from residentially zoned district in two directions.

At the southwesterly direction, the 500 foot distance is across the lanes of Highway 880, which cannot be traversed. Therefore, there is an existing physical condition that blocks access between the gun shop and residentially zoned properties and there would be no detriment to that neighborhood on the southwest side. The southeasterly direction that is less than 500 feet, however, would not be difficult to traverse. The use would therefore, be detrimental to this residentially zoned neighborhood.

#### **PRE-HEARING RECOMMENDATION**

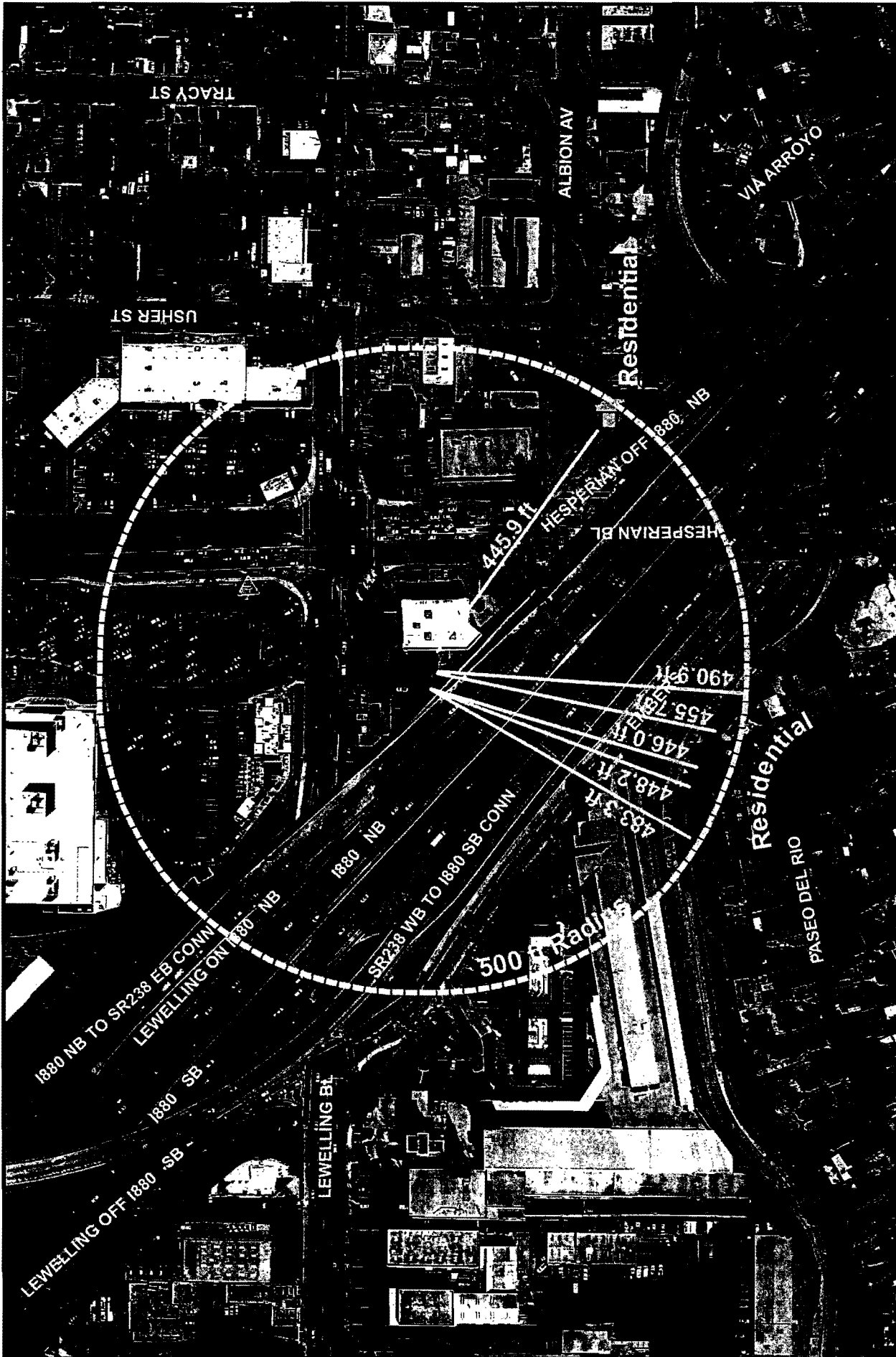
Based on the distances measured from the proposed firearms sale shop to the residentially zoned district measuring less than the required 500 feet the recommendation is for denial.

#### **ATTACHMENTS**

Exhibits  
Referral Responses  
Correspondence  
Photographs  
Distance Study

PREPARED BY: Richard Tarbell, Planner  
REVIEWED BY: Rodrigo Orduña, Senior Planner



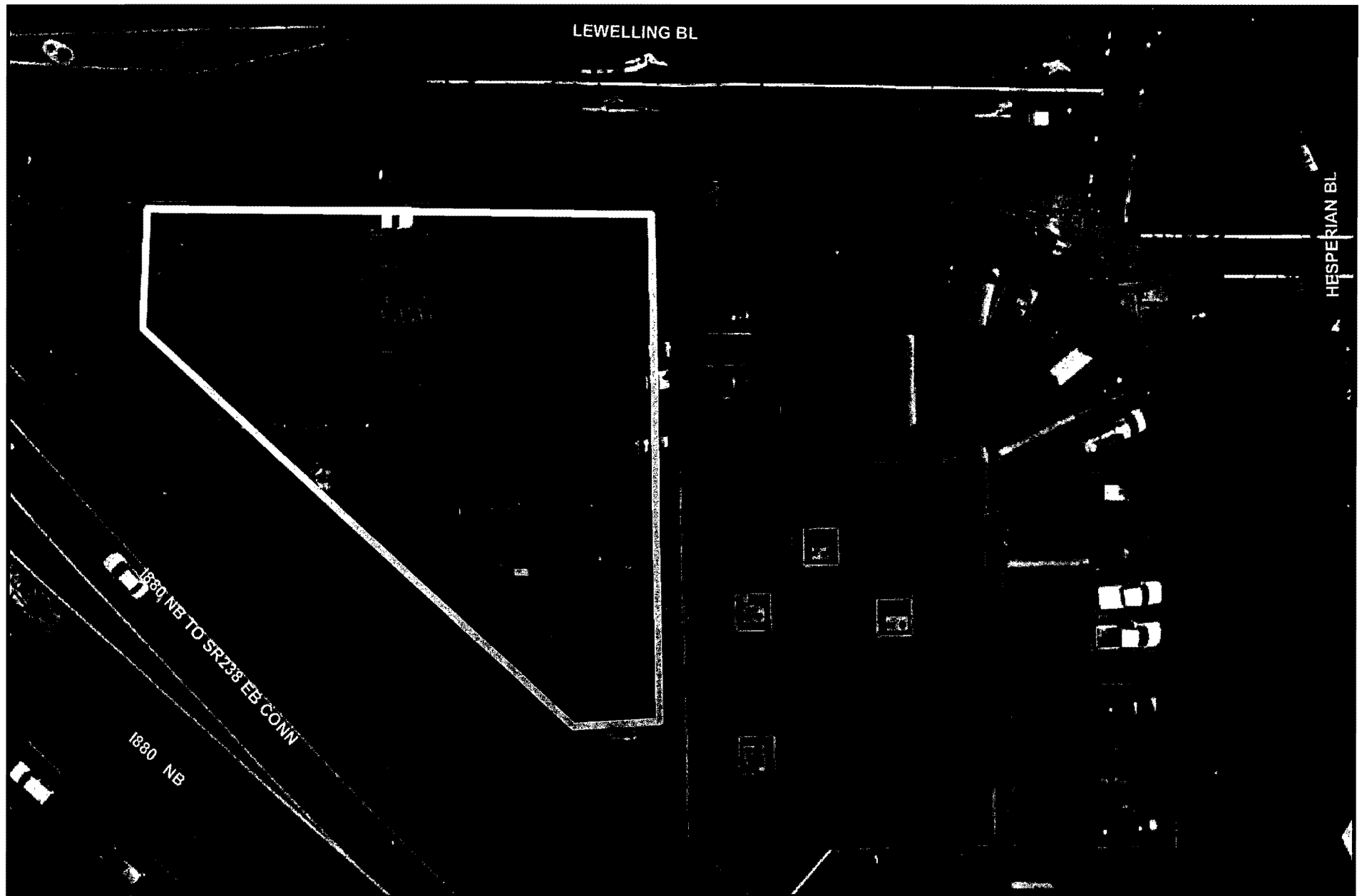


PLN2011-00096

## DISTANCE STUDY

Alameda County CDA - Planning Department





**PLN2011-00096**

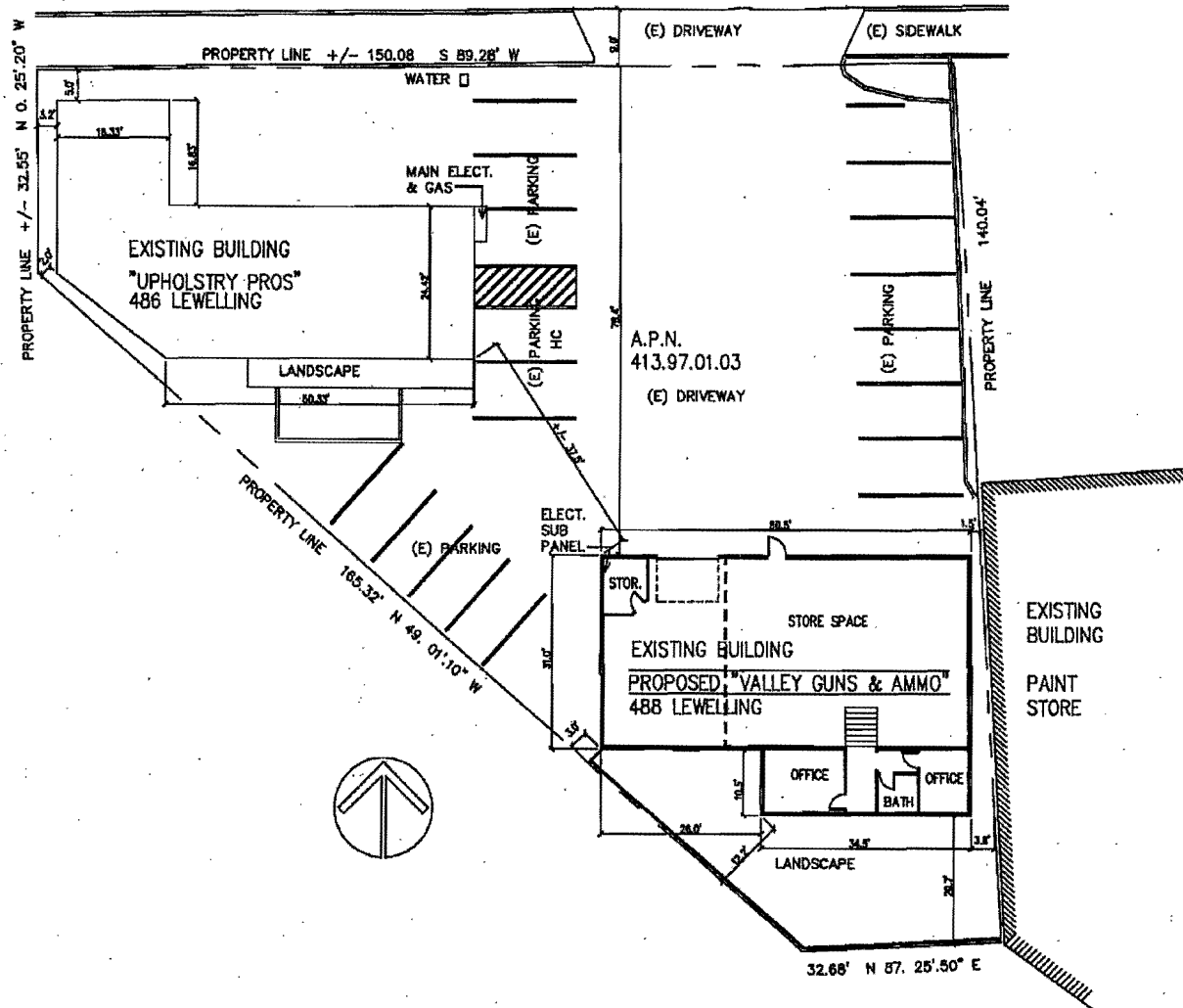
**AERIAL PHOTO**

*Alameda County CDA - Planning Department*

0 15 30 60 90 120  
Feet



# LEWELLING BLVD. SAN LORENZO, CA.



SITE PLAN & FLOOR PLAN

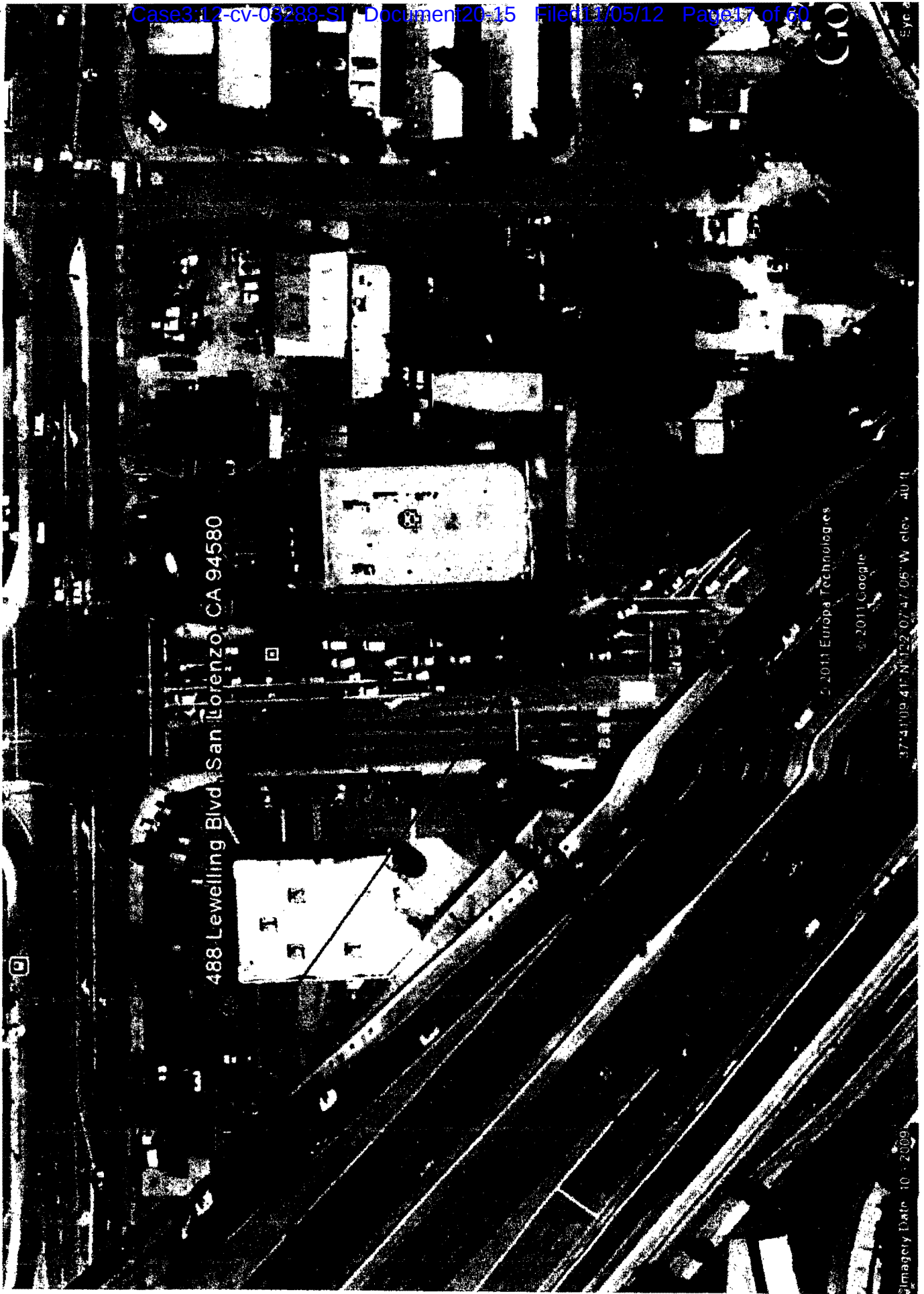
SCALE: 1/8" = 1'-0"

PLN2011-00096

SITE PLAN

Alameda County CDA - Planning Department





488 Lewelling Blvd San Lorenzo, CA 94580

© 2011 Europa Technologies

© 2011 Google

37°41'09.41"N 122°07'47.06"W elev 40 ft

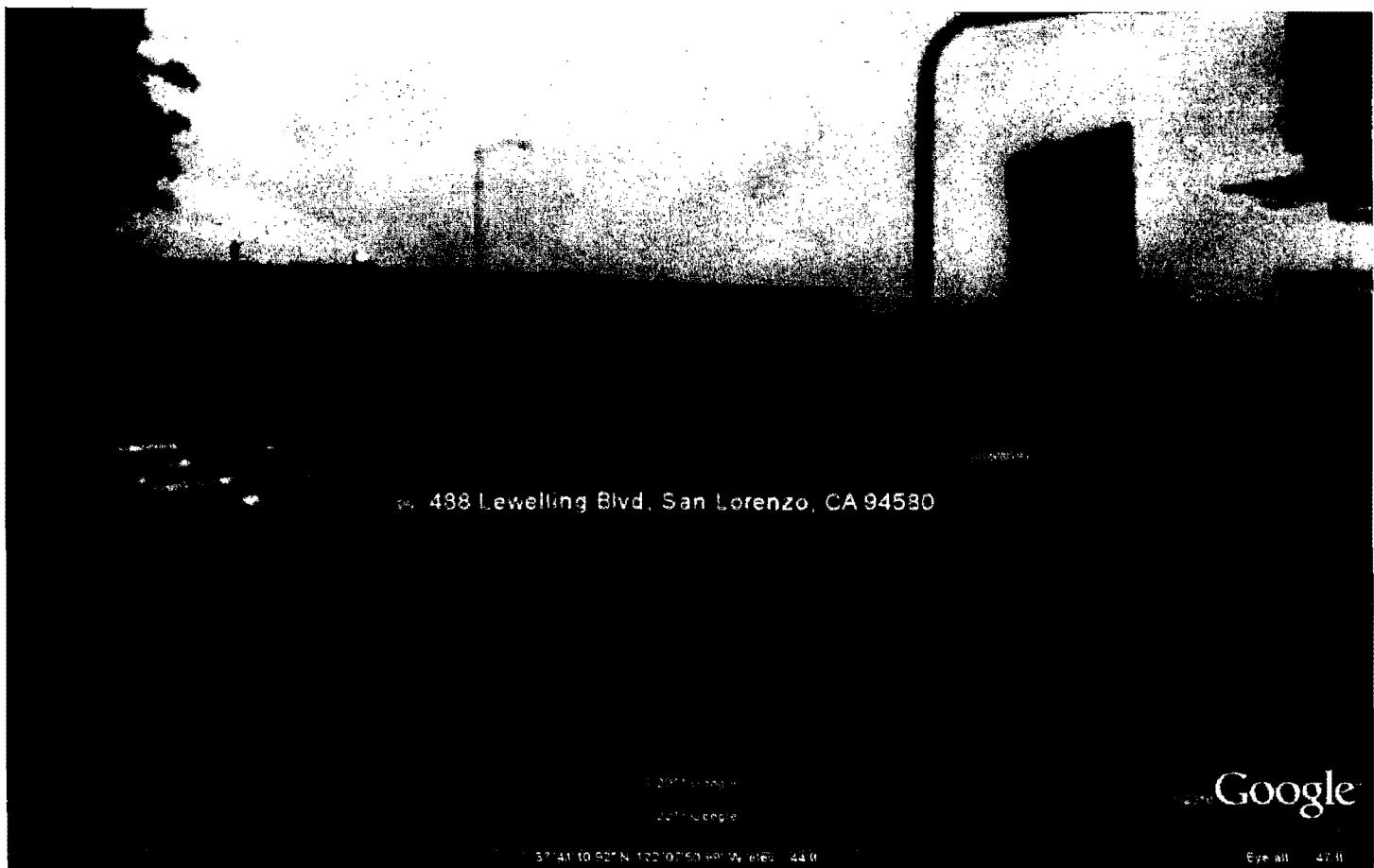
Imagery Date: 10 - 2009

Single Family Res

504.63 ±







488 Lewelling Blvd, San Lorenzo, CA 94580

Google

**FILE COPY**

**EXHIBIT A**

JUL 01 2011

*CLP*

PLN 2011-00096



SUBJECT PROPERTY

**EXHIBIT A**

JUL 01 2011

CLP

PLN 2011-00096



488 Lewelling Blvd, San Lorenzo, CA 94580

2011 Europa Technologies

2011 Google

37° 41' 10.42" N 122° 07' 47.04" W Elev. 41 ft

Imagery Date: 01/2008

630. FT  
Multi Family Res

488 Lewelling Blvd, San Lorenzo, CA 94580

© 2011 Europa Technologies

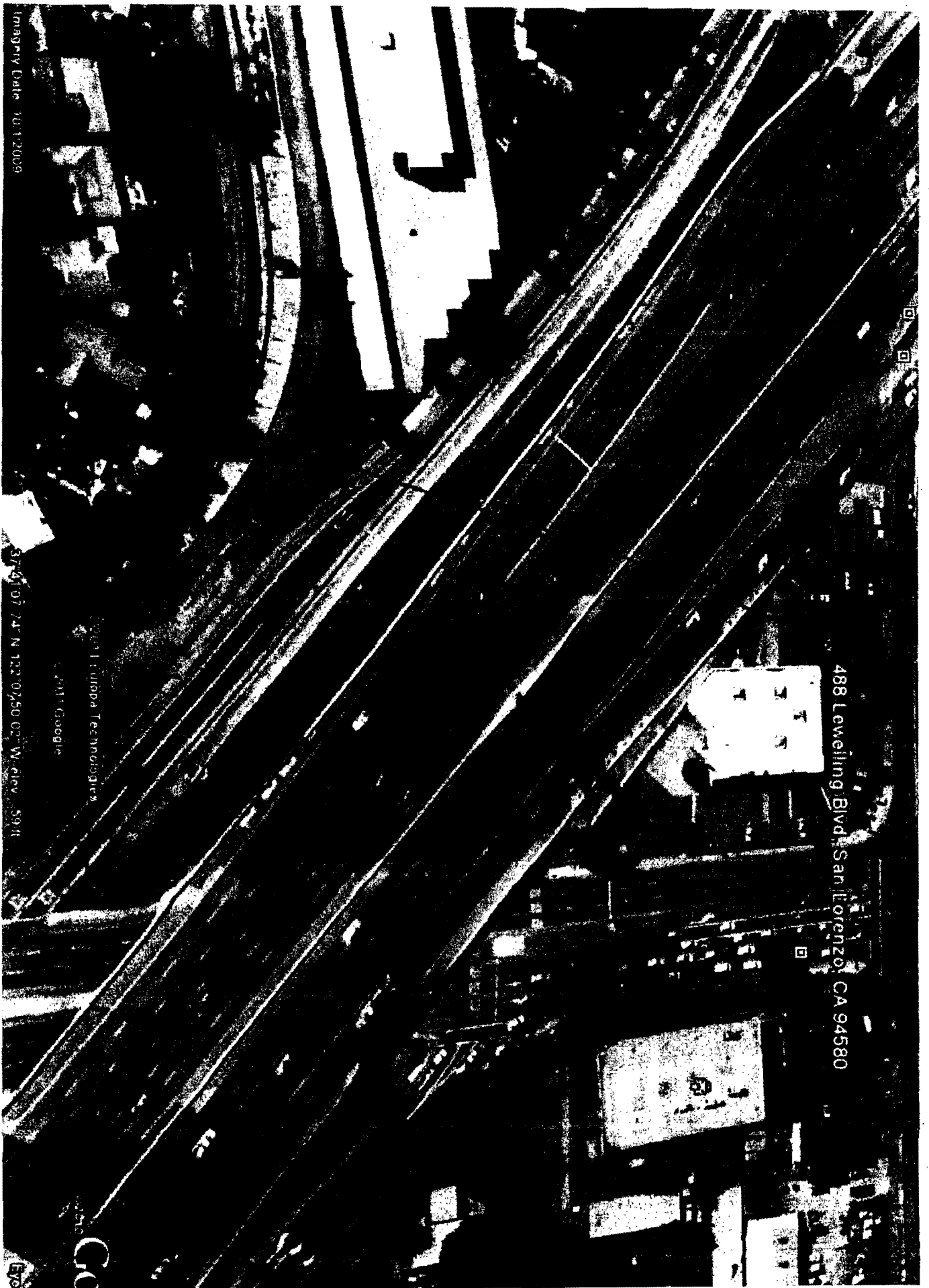
© 2011 Google

Imagery Date: 10/12/2009

37°51'07.74" N 122°07'50.02" W elev: 59 ft

SHOP TO PROPERTY line

ENC 6 FT



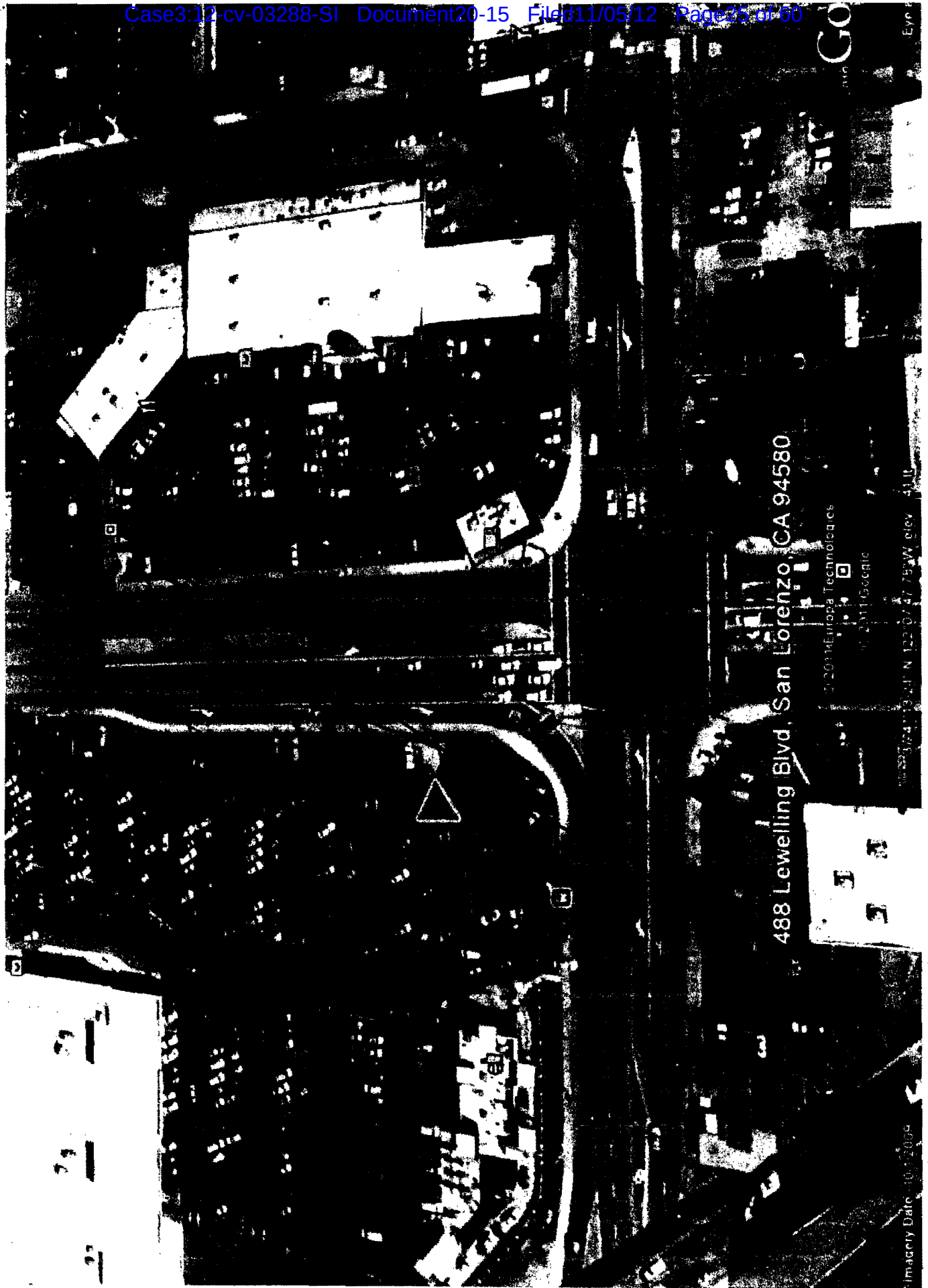
505.6 FT Walmart



SHOP TO INN.

660,91 FEET





488 Lewelling Blvd, San Lorenzo, CA 94580

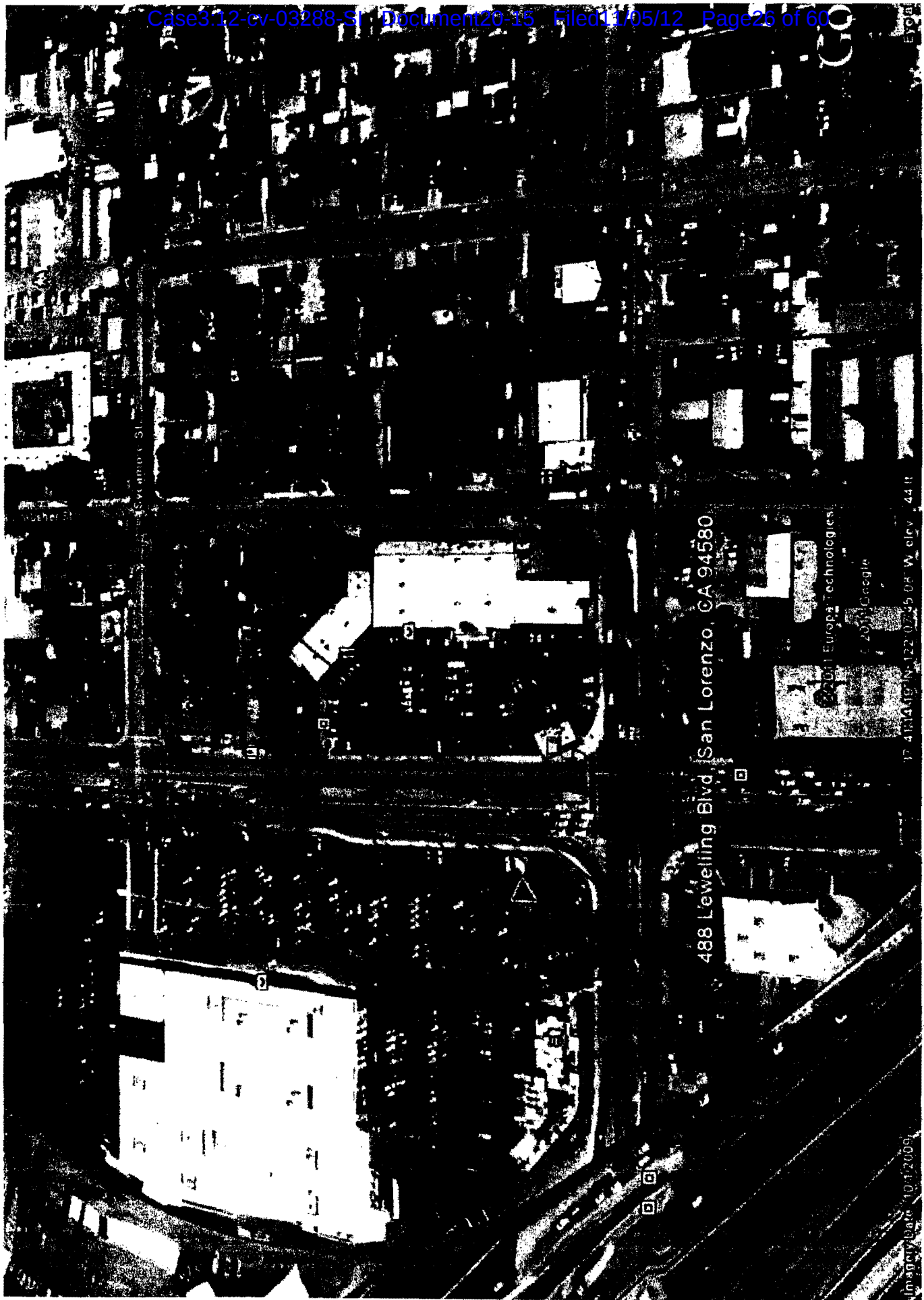
© 2011 Europa Technologies

© 2011 Google

32° 24' 13.21" N 122° 07' 47.75" W elev 411 ft

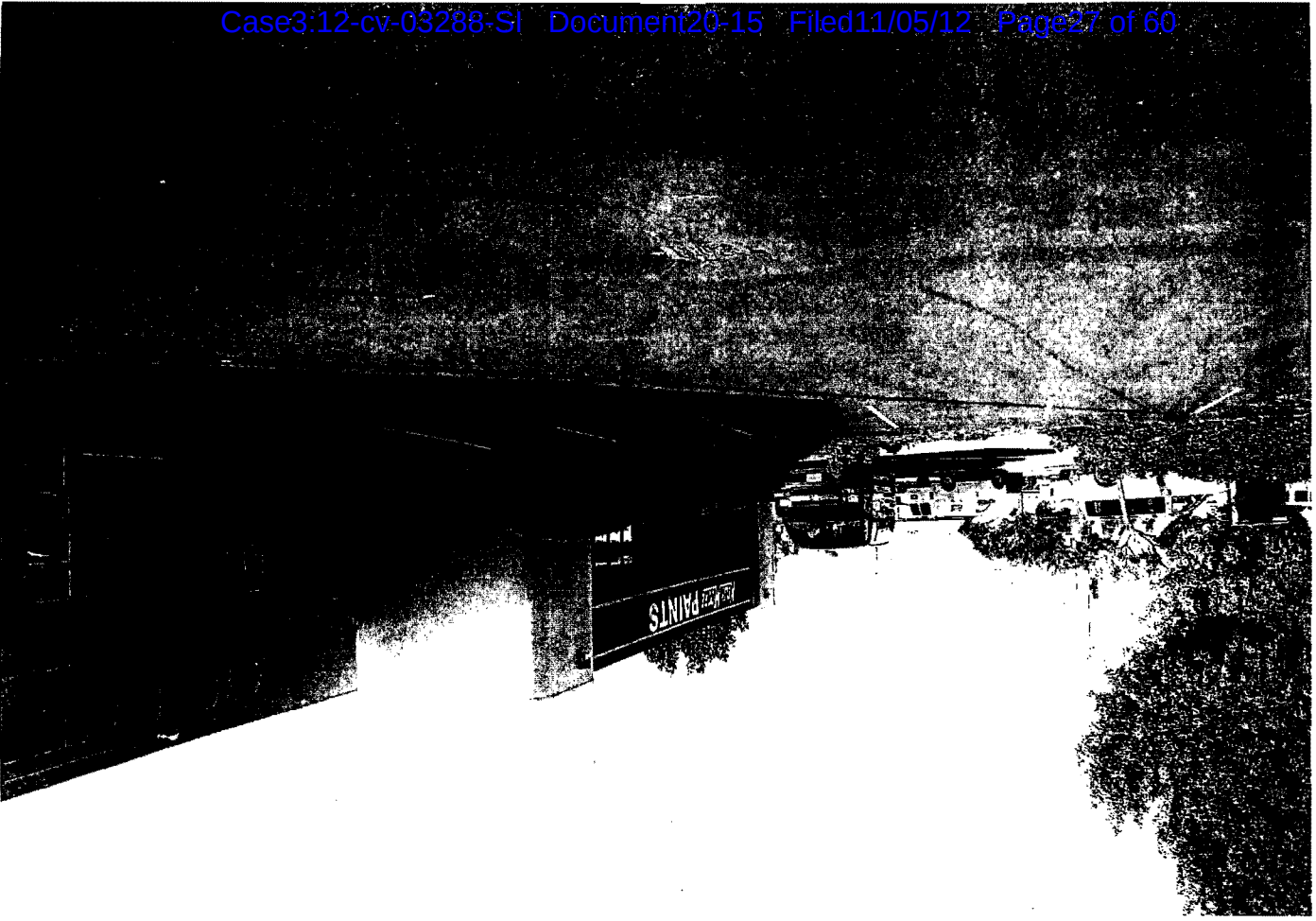
Imagery Date: 10/12/2009

SHOP TO BIG 5  
620.95  
FEET



1066.8 FT SCHOOL MAIN YARD

Photograph submitted by the Applicant at  
11/16/2011 Board of Zoning Adjustments  
Hearing



Photograph submitted by the Applicant at  
11/16/2011 Board of Zoning Adjustments  
Hearing.



THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA

V-3876

RESOLUTION NO. 7802 - At meeting held October 10, 1966

Introduced by Commissioner Harry W. Spencer  
Seconded by Commissioner John P. Gardella

WHEREAS Mary K. Graves and Lawrence A. Ratti, (V-3876) have filed with the Alameda County Planning Commission an application for an adjustment to expand a nonconforming use (residence in a commercial district, structures encroaching into Special Building Line, required amount of off-street parking not provided, and to construct a building so as to (1) encroach 20' into an established Special Building Line and (2) reduce off-street parking spaces from the required 17 spaces to 7 spaces, in a "C-2" (General Commercial) District, on the south side of Lewelling Boulevard, approximately 157' west of the intersection with Hesperian Boulevard, San Lorenzo Area, Eden Township, as shown on a plot plan on file with this Commission; and

WHEREAS this Commission did hold a public hearing on said application at the hour of 1:30 p.m. on the 10th day of October, 1966, in the County of Alameda Public Works Building, 399 Elmhurst Street, Hayward, California; and

WHEREAS it satisfactorily appears from affidavits on file that newspaper notice of said public hearing was given in all respects as required by law; and

WHEREAS this Commission does find that:

- (a) There are special circumstances applicable to the property which deprive the property of privileges enjoyed by other property in the vicinity under the identical zoning classification.
- (b) The granting of the application will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.
- (c) The use will not be detrimental to persons or property in the neighborhood or to the public welfare: Now Therefore

BE IT RESOLVED that this Commission does hereby approve said application as shown on a plot plan labelled "Exhibit A" on file with this Commission, a copy of which shall be forwarded to the County Building Official, subject to the following condition:

Said adjustment shall become null and void if a building permit is not obtained by October 10, 1967.

Except as specifically stated above, the land and use of this property shall comply with all the provisions of the County Zoning Ordinance.

Said adjustment shall be subject to revocation for cause by the Planning Commission after seven (7) days notice and a hearing by said Commission.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioners Enos, Gardella, Kauffman, Spencer, Vaughns, and Chairman DeBernardi.

NOES: Commissioner Kuder

ABSENT: None.

WILLIAM H. FRALEY - PLANNING DIRECTOR & SECRETARY  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY



V-3989

THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA

RESOLUTION NO. 7957 - At meeting held January 9, 1967

Introduced by Commissioner Howard F. Kuder

Seconded by Commissioner Harry W. Spencer

WHEREAS San Lorenzo Glass Company, (V-3989), has filed with the Alameda County Planning Commission an application for an adjustment to (1) approve location of a sign in a Special Building Line; (2) sign extends above the roof line; (3) sign contains 70 sq. ft. (double faced sign with 35 sq. ft. on each side) where ordinance limits area to 68 sq. ft. and no one sign exceeding 40 sq. ft. in a "C-2" (General Commercial) District, located at 486 Lewelling Boulevard, south side, 157' west of the intersection with Hesperian Boulevard, San Lorenzo, Eden Township, as shown on a plot plan on file with this Commission; and

WHEREAS this Commission did hold a public hearing on said application at the hour of 1:30 p.m. on the 9th day of January, 1967, in the County of Alameda Public Works Building, 399 Elmhurst Street, Hayward, California; and

WHEREAS it satisfactorily appears from affidavits on file that newspaper notice of said public hearing was given in all respects as required by law; and

WHEREAS this Commission does find that:

- (a) There are special circumstances applicable to the property which deprive the property of privileges enjoyed by other property in the vicinity under the identical zoning classification.
- (b) The granting of the application will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.
- (c) The use will not be detrimental to persons or property in the neighborhood or to the public welfare: Now Therefore

BE IT RESOLVED that this Commission does hereby approve said application as shown on a plot plan labelled "Exhibit A" on file with this Commission, a copy of which shall be forwarded to the County Building Official.

Except as specifically stated above, the land and use of this property shall comply with all the provisions of the County Zoning Ordinance.

Said adjustment shall be subject to revocation for cause by the Planning Commission after seven (7) days notice and a hearing by said Commission.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioners Enos, Gardella, Kuder, Spencer, Vaughns, and Chairman DeBernardi.

NOES: None.

ABSENT: None.

EXCUSED: Commissioner Kauffman.

WILLIAM H. FRALEY - PLANNING DIRECTOR & SECRETARY  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY

REF.

PAGE

B.

V-6509

## THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA

On motion of ~~Supervisor~~ Chairman Cooper

and approved by the following vote: Mary Groves and Anthony and Peter Ratti - 3

Ayes: Supervisors

Noes: Supervisors

Excused ~~Supervisors~~ Supervisors

OCT 16, 1974

THE FOLLOWING RESOLUTION WAS ADOPTED VARIANCE GRANTED NUMBER 169927

WHEREAS, at a hearing held on October 16, 1974, the Alameda County Zoning Administrator disapproved the application of Eller Outdoor Advertising Company of California (lessors) and Mary Groves and Anthony and Peter Ratti (owners) for a Variance (V-6509), to permit the retention of a nonconforming Outdoor Advertising Sign (not permitted within Scenic Route Corridor) beyond that amortization period established by the Zoning Ordinance, in a C-2 (General Commercial) District, located at 486 Lewelling Boulevard, south side, adjacent easterly to the Nimitz Freeway, San Lorenzo Area, Eden Township, as shown on a plot plan on file with this Board of Supervisors; and

WHEREAS, in accordance with the provisions of Article 2 of Chapter 2 of Title 3 of the Alameda County Ordinance Code, Eller Outdoor Advertising Company of California did appeal to this Board of Supervisors from the decision of the Alameda County Zoning Administrator; and

WHEREAS, at public hearings held on December 12, 1974, January 16, 1975, March 4, 1975, June 5, 1975, August 7, 1975, December 4, 1975, May 6, 1976, July 8, 1976, and December 2, 1976, the Board did consider the appeal of Eller Outdoor Advertising Company of California; and

WHEREAS, this Board of Supervisors did find that there are special circumstances applicable to this property which deprive the property of privileges enjoyed by other property in the vicinity under the identical zoning classification in that the area where this sign is located is subject to a special scenic route corridor presently being considered for revision by the County Planning Commission and this Board, with the result that the dimensions and scope of the existing boundaries presently making this sign nonconforming may be altered so as to bring this sign into conformity with such revision. Under these circumstances granting a limited variance of this type will bring this sign within the same method of treatment presently applicable to other uses subject to the same scenic route restrictions.

NOW, THEREFORE, BE IT RESOLVED that Eller Outdoor Advertising Company of California (lessors) and Mary Groves and Anthony and Peter Ratti (owners) be and they are hereby granted a variance to retain a nonconforming Outdoor Advertising Sign in a C-2 (General Commercial) District, located at 486 Lewelling Boulevard, south side, adjacent easterly to the Nimitz Freeway, San Lorenzo Area, Eden Township; subject, however, to the following condition:

- (1) This Variance is valid until December 2, 1978, provided, however, that if during said term Zoning Ordinance provisions become modified to permit the filing of a Conditional Use Permit to retain the subject sign, said permit shall be filed and the provisions of that Permit shall prevail.

Except as specifically stated above, the land and use of this property shall comply with all the provisions of the Zoning Ordinance.

Said Variance shall be subject to revocation for cause in accordance with Section 8-90.3 of the Alameda County Zoning Ordinance.

ad/

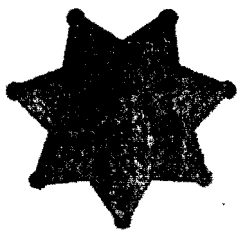
DEC 2 1976  
DEC 14 1976

S. Littlewood

Cap

re

Chang



CHARLES C. PLUMMER

February 3, 2011

To Whom It May Concern:

SUBJECT: Mr. John Teixeira

Mr. Teixeira was the owner of a gun store at 22287 Redwood Road in Castro Valley, California for 35 years.

Without question, I found him to be the most honest gun store operator in my 54 years as a peace officer in Alameda County (24 years Berkeley Police, 10 ½ years Hayward Police Chief and 20 plus years as Sheriff of Alameda County).

On several occasions in the early 1990's, I sent undercover officers into his store to try to discover violations. Mr. Teixeira was always doing business according to the letter of the law.

I have found Mr. Teixeira to be a very fine citizen of this County. He is a man of fine character and I'm proud to call him my friend.

I highly recommend him to one and all. He is a good man.

Sincerely,

C.C. Plummer  
Sheriff Emeritus  
Alameda County



# **SAN LORENZO VILLAGE HOMES ASSOCIATION**

377 Paseo Grande • San Lorenzo CA 94580  
(510) 276-4554 • [www.slvha.com](http://www.slvha.com)

## **Position of the SLVHA on the Proposed Gun Shop**

In August, the SLVHA discussed the proposed gun shop in an open meeting. Clearly, there was NOT a majority of residents at the meeting, so the following opinions represent the opinion of those who spoke at the meeting.

Without surprise, there were 2 obvious opposing factions: those who believe in their right to own firearms and therefore had no opposition to the gun shop and those who are opposed to guns and their ready availability and therefore believe that gun shops should not be located within our community. After reading about the spate of recent shootings, some who oppose guns and gun shops have a point of concern. That said, there were also members of the community that simply raised concerns about this particular gun shop, at this particular location.

Those concerns were as follows:

A gun shop should not be given either preferential or less favored treatment based solely on the fact it is a gun shop. If it meets all of the conditions set out by the County, then it should be approved.

With that in mind, one of the requirements is that it be located 500 plus feet away from a school. Apparently, this location does not meet that requirement. I have heard that since the school in question is a private school, the 500 foot rule does not apply. My thought on that is that a school is a school, students are students; whether they attend a public or private institution does not change their status as students, with all the attendant concerns that go along with schools and children.

Another concern was the proximity to an already existing sporting goods store that sells rifles and ammunition. As with every other type of business in the county, oversaturation is always a concern. The County does not permit "too many" liquor stores in any one location, so to, should it be concerned about "too many" gun stores in any one location.

Another concern is its proximity to a bar. Is it appropriate to locate a gun store in the vicinity of a bar and several other businesses that sell alcohol?

Another citizen was concerned that the gun shop would be located near to the headquarters of a motorcycle club that has ties to the Hells Angels and questioned if this was the best location for a gun shop.

Citizens raised the question of what type of weapons will be sold. We were told that the gun store will sell "hunting" oriented weapons. What is the definition of a hunting weapon? When it comes to rifles, this presupposes that weapons could be bolt action, small capacity magazines; however, which handguns are considered hunting weapons. Will the gun shop only stock revolvers of a certain caliber, or will it stock pistols and revolvers. Almost any reliable handgun (pistol or revolver) can be used for hunting.

---

Board Members: Art Wydler-President, Diane Wydler-Vice President  
Margaret Wright-Secretary/Treasurer, Wulf Bieschke  
Administrator: Kathy Martins

And will a business license limit or specify the specific type(s) of weapon(s) sold? If not, we can be promised one thing, knowing that promises can change.

Finally, is the question of what neighborhood is affected by this gun shop? Apparently, it is within the Castro Valley, Ashland/Cherry Land business jurisdiction, but it is located within or nearer the borders of the Village of San Lorenzo. If the business is to service Castro Valley, Ashland, Cherry Land, why can't it be located closer to the population center of the targeted business community.

As you can see, there was no consensus about whether this gun shop should be located at the proposed location. Before a business permit is issued, I believe the concerns raised by San Lorenzo citizens deserve to be answered. I realize that no decision will please everyone, but every question deserves an answer.



**Tarbell, Richard, CDA**

---

**From:** Lang, Allen  
**Sent:** Tuesday, October 25, 2011 8:19 AM  
**To:** Tarbell, Richard, CDA  
**Subject:** RE: Occupancy Load for retail

One exit is enough.

Allen Lang, PE, SE  
Building Official  
Alameda County Public Works Agency  
510-670-5557

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-----Original Message-----

**From:** Tarbell, Richard, CDA  
**Sent:** Monday, October 24, 2011 5:16 PM  
**To:** Lang, Allen  
**Subject:** Occupancy Load for retail

Allen:  
This location has been glass shop for years (488 Lewelling Blvd. Vacant at this time), the request now is for a firearms sales business and the question is does it need two exits. Can you review and determine if one or two exits would be required?

I will talk to you soon.

Thanks,

Richard Tarbell, Planner  
Alameda County Community Development Agency Planning Department Phone (510) 670-5400  
Fax: (510) 785-8793  
Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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-----Original Message-----

**From:** [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org) [<mailto:ricohscanner@acgov.org>]  
**Sent:** Monday, October 24, 2011 1:56 PM  
**To:** Tarbell, Richard, CDA  
**Subject:** Scanned Document Attached

This E-mail was sent from "RNP01F60E" (Aficio MP C6501).

**Tarbell, Richard, CDA**

---

To: Lang, Allen  
Subject: Occupancy Load for retail  
Attachments: 20111024165545915.pdf

Allen:

This location has been glass shop for years (488 Lewelling Blvd. Vacant at this time), the request now is for a firearms sales business and the question is does it need two exits. Can you review and determine if one or two exits would be required?

I will talk to you soon.

Thanks,

Richard Tarbell, Planner  
Alameda County Community Development Agency Planning Department Phone (510) 670-5400  
Fax: (510) 785-8793  
Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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-----Original Message-----

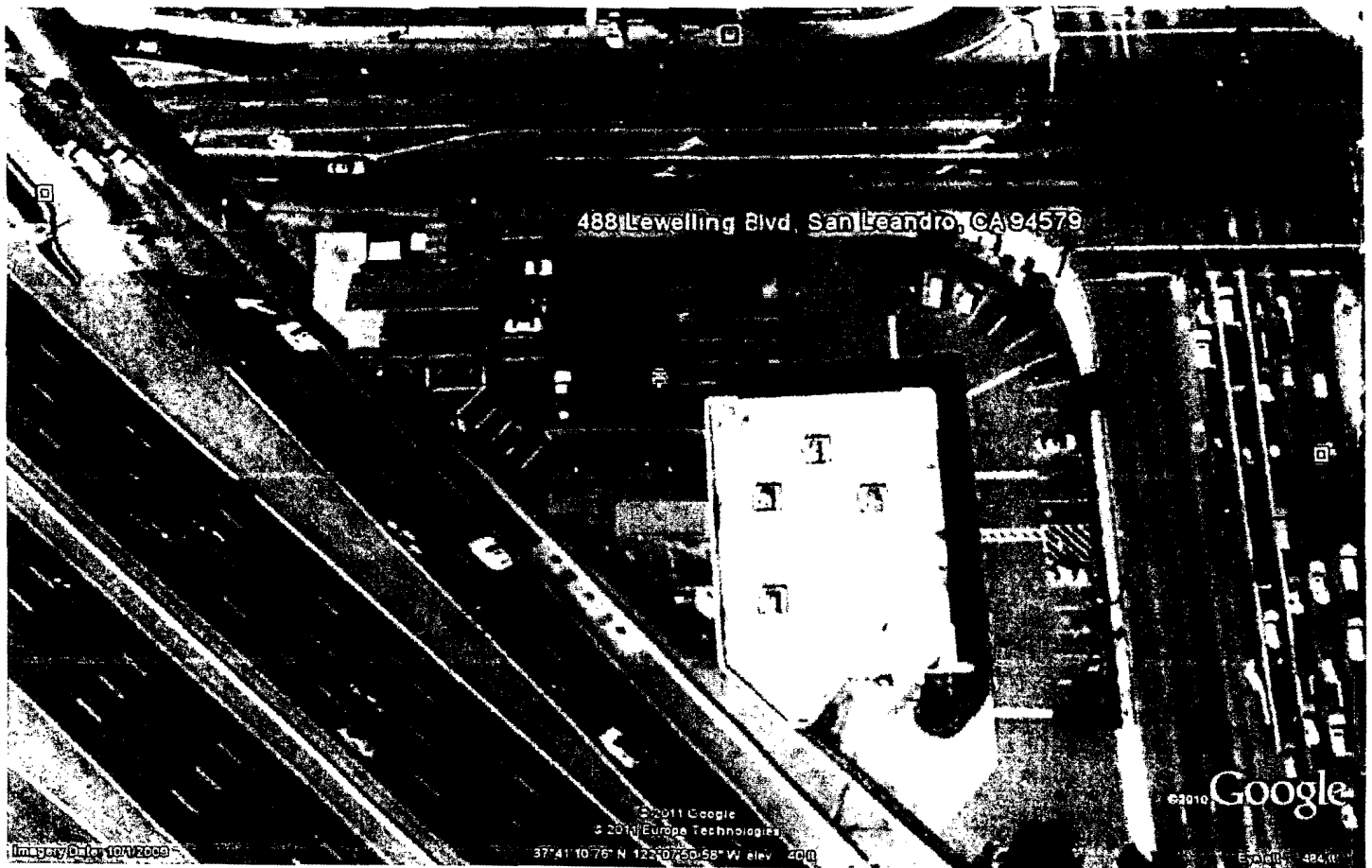
From: [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org) [<mailto:ricohscanner@acgov.org>]  
Sent: Monday, October 24, 2011 1:56 PM  
To: Tarbell, Richard, CDA  
Subject: Scanned Document Attached

This E-mail was sent from "RNP01F60E" (Aficio MP C6501).

Scan Date: 10.24.2011 16:55:45 (-0400)  
Queries to: [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org)

Scan Date: 10.24.2011 16:55:45 (-0400)

Queries to: [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org)



SUBJECT PROPERTY

EXHIBIT A

JUL 01 2011

CUP

PLN 2011-00096



# Alameda County Fire Department

*Proudly serving the Unincorporated Area of Alameda County  
and the communities of San Leandro, Dublin, Newark  
the Lawrence Berkeley National Laboratory and  
the Lawrence Livermore National Laboratory*

Sheldon D. Gilbert, Fire Chief

## ADMINISTRATION

835 E. 14<sup>th</sup> Street, Suite 200  
San Leandro, CA 94577  
(510) 618-3490  
(510) 618-3445 Fax

## EMS DIVISION

1426 164<sup>th</sup> Avenue  
San Leandro, CA 94578  
(510) 618-3485  
(510) 276-5915 Fax

## TRAINING DIVISION

1426 164<sup>th</sup> Avenue  
San Leandro, CA 94578  
(510) 618-3485  
(510) 276-5915 Fax

## ALAMEDA COUNTY REGIONAL EMERGENCY COMMUNICATIONS CENTER (ACRECC)

7000 East Avenue, L-388  
Livermore, CA 94550  
(925) 422-5194  
(925) 422-5730 Fax

## FIRE PREVENTION OFFICES:

### ALAMEDA COUNTY

399 Elmhurst Street  
Room 120  
Hayward, CA 94544  
(510) 670-5853  
(510) 887-5836 Fax

### CITY OF SAN LEANDRO

835 E. 14<sup>th</sup> Street  
San Leandro, CA 94577  
(510) 577-3317  
(510) 577-3419 Fax

### CITY OF DUBLIN

100 Civic Plaza  
Dublin, CA 94568  
(925) 833-6606  
(925) 833-6628 Fax

### CITY OF NEWARK

37101 Newark Blvd.  
Newark, CA 94560  
(510) 578-4218  
(510) 578-4281 Fax

October 27<sup>th</sup>, 2011

Alameda County  
Community Development Agency  
Planning Department  
224 West Winton Ave., Room 111  
Hayward, California 94544

TO:	Richard Tarbell	CC	Graves
FROM:	County Fire Prevention Alameda County Fire Prevention Office		
SUBJECT:	PLN 2011-0096, Condition Use Permit to allow the operation Of a gun shop located at 488 Lewelling Blvd. in Ashland.		

## Conditions of Approval

*The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.*

1. Details on the security gate installed across the display area shall be provided during the building permit process.
2. During the Building Permit Process, Exit signs and Emergency Lighting will be required. Please show the locations on the plans.
3. A Knox Box shall be provided near the entry and shall be shown on the site plan during the Building Permit Process.
4. A Fire Extinguisher shall be shown on the floor plan during the Building Permit Process.
5. Make sure you show the type of hardware on the front door (i.e., double key, panic, paddle, or lever handle). Accessory locks are not permitted unless they release upon activation of the panic, lever, or paddle device. At no time will dead bolts, sliders, 2x4's, or locks with the thumb turns be allowed.
6. Ensure that the Occupant Load is provided on the cover sheet of the Building Permit Plans.



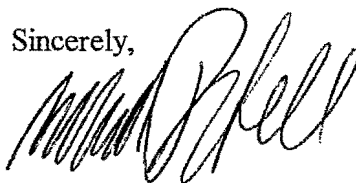
PROJECT REFERRAL

Date: August 1, 2011

RE: Case No. PLN2011-00096

If you have any questions, please contact me at the above number.

Sincerely,



Richard Tarbell  
Development Planning Division  
richard.tarbell@acgov.org

cc: Applicant: VALLEY GUNS & AMMO // NOBRIGA, STEVE 1196 Silver Trail Lane,  
Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

☒ No Comment - Date 8/11/2011

Attachments

BID- Need Bulldozer permit.

Allen Ly 8/11/2011

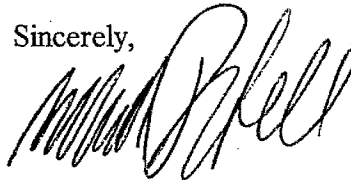
**PROJECT REFERRAL**

Date: August 1, 2011

RE: Case No. PLN2011-00096

If you have any questions, please contact me at the above number.

Sincerely,



Richard Tarbell  
Development Planning Division  
richard.tarbell@acgov.org

cc: Applicant: VALLEY GUNS & AMMO // NOBRIGA, STEVE 1196 Silver Trail Lane,  
Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

☒ No Comment - Date 8/16/11

Attachments *JR*

**Tarbell, Richard, CDA**

---

**From:** Orduna, Rodrigo, CDA  
**Sent:** Monday, September 19, 2011 3:54 PM  
**To:** 'Cherryland Community Association'  
**Cc:** Tarbell, Richard, CDA  
**Subject:** RE: Planning Application Comments

Thank you for the comments, Susan.

Regarding outreach to the Ashland community, we mailed courtesy notices to tenants and property owners within a 500-foot radius of the subject property, and mailed a courtesy notice to David Zechman, president of the Ashland Community Association. I can let Richard Tarbell respond if we have gotten any feedback from David. Richard or I will call David this week to follow-up.

On a separate note, can you send me the agenda items to the CCA Board meetings ahead of the meeting date, so that I can find out whether to go or not? If you all want me to start going again, I will do so. But, I would like to be able to make efficient use of the times that I show up. If you give me a heads-up before the meeting, I can come to the meeting prepared with answers.

Regards,

Rodrigo Orduña, AICP, Bay-Friendly QLP  
 Senior Planner  
 Alameda County Planning Department  
 Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
 telephone 510-670-6503  
 facsimile 510-785-8793

399 Elmhurst Street, Suite 141  
 Permit Center  
 Hayward, CA 94544  
<http://www.acgov.org/cda>

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---

**From:** Cherryland Community Association [<mailto:cca.bod@gmail.com>]  
**Sent:** Thursday, September 08, 2011 9:41 PM  
**To:** Orduna, Rodrigo, CDA  
**Subject:** Planning Application Comments

Hi Rodrigo,

Here are CCA Board comments on applications we reviewed this evening:

Gun store on Llewelling:  
 The Board is split.

Strong feelings in opposition were:

-This provides no benefit to the community. CUPs in our business district should be granted for a reason - such

*Cherryland*

as it stimulates the kind of business we want here or there is a community need. While we understand this gun store may sell guns to police, which are not accessible at every gun store, we don't have many Sheriff's living our area, so they should be guns in their own neighborhood.

This business is not locally owned. We want to stimulate more locally owned businesses in our area, especially in our business district. We may feel differently about this gun store coming in if the owner was going to live above the store.

-There are plenty of stores to buy guns. Big 5, the gun shop in Castro Valley on Redwood Road are two examples.

-This is not the type of business we want in our business district.

-It is bad for future business development in our area, this is not only going to not attract what we want, it is GOING TO ATTRACT what we DON'T want

-There is a reason we have a restriction on gun store locations relative to residences and sensitive receptors. There is no compelling reason at all to allow this gun store in our neighborhood, even if it is owned by a police man.

Feelings for the gun store were not strongly for, but also not against. Reasons that were given for having the gun store were:

-It is a tax paying store.

-Everyone should have a gun.

I hope this application will be going through significant community process, in particular in the Ashland Community, where there is not a community organization the County relies on for input. I would like to know what outreach has been done about this in Ashland and how the County plans to get input from residents of Ashland, in particular those living adjacent to the location of the store.

Susan

--

Susan

Susan Beck, President

Cherryland Community Association

"Never doubt that a small group of committed citizens can change the world. Indeed it's the only thing that ever has."

Margaret Mead (1901-1978)

[www.cherryland-ca.org](http://www.cherryland-ca.org)

✓  
ZONING ENFORCEMENT

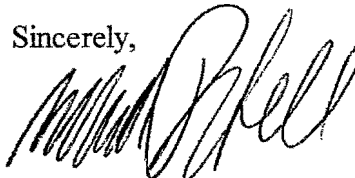
**PROJECT REFERRAL**

Date: August 1, 2011

RE: Case No. PLN2011-00096

If you have any questions, please contact me at the above number.

Sincerely,



Richard Tarbell  
Development Planning Division  
richard.tarbell@acgov.org

cc: Applicant: VALLEY GUNS & AMMO // NOBRIGA, STEVE 1196 Silver Trail Lane,  
Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

✓ No Comment - Date 8/15/11

Attachments





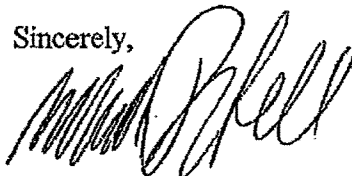
**PROJECT REFERRAL**

Date: August 1, 2011

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Development Planning Division  
richard.tarbell@acgov.org

cc: Applicant: VALLEY GUNS & AMMO // NOBRIGA, STEVE 1196 Silver Trail Lane,  
Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

TL No Comment - Date 8/11/11

Attachments

John Lead  
PLANNING & HOUSING MANAGER

**Tarbell, Richard, CDA**

---

**From:** TLiao@ci.san-leandro.ca.us  
**Sent:** Thursday, August 11, 2011 2:15 PM  
**To:** Tarbell, Richard, CDA  
**Cc:** JTudor@ci.san-leandro.ca.us  
**Subject:** re: pln2011-00096 gun shop in unincorporated san leandro  
**Attachments:** SL No Comment Ltr.pdf

Hi Richard:

Attached is my confirmation of no comment for the proposed gun shop in the unincorporated area location of 488 Lewelling Blvd. The City Planning Division has no comment on this proposed business use because it is outside of the City's Zoning Code jurisdiction.

Is this signed .pdf sufficient or do you need the original signed hard copy mailed to you?

I've also forwarded your letter to our Police Department so see if they may have any questions or comments for you on this proposed business.

**Tom Liao, Planning and Housing Manager**  
**City of San Leandro Community Development Dept.**  
**Planning and Housing Services Divisions**  
835 East 14th St.  
San Leandro, CA 94577  
510-577-6003 (office)  
510-577-6007 (fax)  
e-mail: [tliao@ci.san-leandro.ca.us](mailto:tliao@ci.san-leandro.ca.us)  
[www.sanleandro.org](http://www.sanleandro.org)



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY**  
PLANNING DEPARTMENT

**Chris Bazar**  
Agency Director

**PROJECT REFERRAL**

**Albert Lopez**  
Planning Director

Date: August 1, 2011

224  
West Winton Ave  
Room 111

RE: Case No. PLN2011-00096

Conditional Use Permit

Hayward  
California  
94544

**Due Date: August 22, 2011**

phone  
510.670.5400  
fax  
510.785.8793

ACPWA BUILDING DEPARTMENT  
ALAMEDA CO. FIRE DEPT.

ACPWA LAND DEVELOPMENT  
SHERIFF PERMITS DEP. FRANK  
BUSCHHUETER

[www.acgov.org/cda](http://www.acgov.org/cda)

PLANNING TECHNICIAN

ALAMEDA CO. REDEVELOPMENT  
AGENCY

ENV HEALTH HAZARDOUS

ACPWA TRAFFIC

MATERIALS ARIU LEVI

ALAMEDA CO. ZONING

CHP (WEST) ROBERT TUAZON

ENFORCEMENT

CITY OF SAN LEANDRO PLANNING

ASHLAND AREA COMMUNITY  
ASSOC

CHERRYLAND COMMUNITY  
ASSOC.

SAN LORENZO VILLAGE HOMES  
ASSOC.

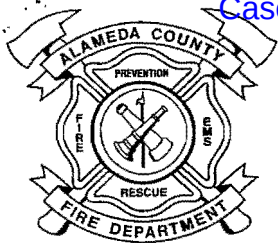
BRIAN WASHINGTON

The following application is referred to you for your information and recommendation:  
to allow the operation of a gun shop, located at 488 Lewelling Blvd (Ashland),  
Side: S; Distance: 140 ft; Direction: W; Of Cross St: Hesperian Blvd  
APN: 413-0097-001-03

This project is categorically exempt from the provisions of the California  
Environmental Quality Act (CEQA), and State and County CEQA Guidelines (Section  
15301 - Class 1, Existing Facilities), as the project is limited to the operation,  
maintenance, and permitting of an existing use, structure(s) or facilities with minor  
repair or alteration, involving negligible or no expansion of the use beyond that  
existing at the time that the County takes action on this project, or is otherwise  
consistent with CEQA Guidelines for Class 1 projects.

Receipt of your comments by the indicated due date will enable the inclusion of  
relevant information in the preparation of a written staff report; otherwise, please  
initial and date below that your organization, department or agency has no comment  
and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.



# Alameda County Fire Department

*Proudly serving the Unincorporated Area of Alameda County  
and the communities of San Leandro, Dublin, Newark  
the Lawrence Berkeley National Laboratory and  
the Lawrence Livermore National Laboratory*

Sheldon D. Gilbert, Fire Chief

## ADMINISTRATION

835 E. 14<sup>th</sup> Street, Suite 200  
San Leandro, CA 94577  
(510) 618-3490  
(510) 618-3445 Fax

## EMS DIVISION

1426 164<sup>th</sup> Avenue  
San Leandro, CA 94578  
(510) 618-3485  
(510) 276-5915 Fax

## TRAINING DIVISION

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San Leandro, CA 94578  
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## ALAMEDA COUNTY REGIONAL EMERGENCY COMMUNICATIONS CENTER (ACRECC)

7000 East Avenue, L-388  
Livermore, CA 94550  
(925) 422-5194  
(925) 422-5730 Fax

## FIRE PREVENTION OFFICES:

### ALAMEDA COUNTY

399 Elmhurst Street  
Room 120  
Hayward, CA 94544  
(510) 670-5853  
(510) 887-5836 Fax

### CITY OF SAN LEANDRO

835 E. 14<sup>th</sup> Street  
San Leandro, CA 94577  
(510) 577-3317  
(510) 577-3419 Fax

### CITY OF DUBLIN

100 Civic Plaza  
Dublin, CA 94568  
(925) 833-6606  
(925) 833-6628 Fax

### CITY OF NEWARK

37101 Newark Blvd.  
Newark, CA 94560  
(510) 578-4218  
(510) 578-4281 Fax

September 8<sup>th</sup>, 2011

Alameda County  
Community Development Agency  
Planning Department  
224 West Winton Ave., Room 111  
Hayward, California 94544

TO:	Richard Tarbell	CC	Graves
FROM:	County Fire Prevention		
	Alameda County Fire Prevention Office		
SUBJECT:	PLN 2011-0096, Condition Use Permit to allow the operation Of a gun shop located at 488 Lewelling Blvd. in Ashland.		

## APPLICATION NOT COMPLETE FOR FIRE REQUIREMENTS – WITH CUSTOMER FOR RESPONSE

**Fire Staff does not recommend that discretionary approval be given until the following issues are addressed and Fire Conditions are issued.**

**Re-submittal Required.** A re-submittal is required for this project. Submit the revised plan along with a copy of any necessary reference materials, cut-sheets, listing sheets and calculations. Include a written itemized response to each comment and where in the re-submittal the specific change or information requested can be found.

**Errors & Omissions.** The purpose of code enforcement is to provide a means to help ensure projects are built to the codes, regulations and standards applicable to the project. Two methods are used towards this goal. First, is the review of the plans, second, are field inspections associated with the work. Between these two methods, it is hoped that all code deficiencies are discovered and corrected.

It is important to note that approval of the plan does not constitute permission to deviate from any code requirement and shall not be construed to be a permit for, or an approval of, any violation of the applicable statute, regulation, code or standard. Approval of a plan or permit presuming to give authority to violate or cancel the provision of any applicable statute, regulation, code or standard shall not be valid.

**Alternate Means.** Any alternate means or equivalences shall be submitted in writing explaining the code provision that will be deviated from, the justification for such deviation, and an explanation on how this deviation meets the intent of the code and the equivalent level of safety intended by the code. This letter and supporting documents must be reviewed and approved for the deviation to be considered acceptable.

## Items to Be Addressed with Required Re-submittal

1. How much Smokeless powder will be stored on site?  
Response: \_\_\_\_\_
2. Provide Manufacture Specifications on the ATF approved Container.  
Response: \_\_\_\_\_

*sent: 9/11/11  
NOBBERS*

3. Please indicate the Occupant load of the facility as two exits may be required and only one is shown.

Response:\_\_\_\_\_

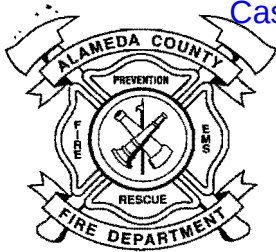
4. Provide details on the security gate installed across the display area. Is there an emergency release device to prevent people from stranded?

Response:\_\_\_\_\_

5. During the Building Permit Process, Exit signs and Emergency Lighting will be required. Please show the locations on the plans.

Response:\_\_\_\_\_





# Alameda County Fire Department

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the Lawrence Berkeley National Laboratory and  
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Sheldon D. Gilbert, Fire Chief

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(925) 833-6628 Fax

CITY OF NEWARK  
37101 Newark Blvd.  
Newark, CA 94560  
(510) 578-4218  
(510) 578-4281 Fax

August 22, 2011

Alameda County  
Community Development Agency  
Planning Department  
224 West Winton Ave., Room 111  
Hayward, California 94544

TO:	Richard Tarbell	CC	Graves
FROM:	County Fire Prevention		
	Alameda County Fire Prevention Office		
SUBJECT:	PLN 2011-0096, Condition Use Permit to allow the operation Of a gun shop located at 488 Lewelling Blvd. in Ashland.		

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## Items to Be Addressed with Required Re-submittal

1. Will there be various types of gun powder sold at this site?

Response: \_\_\_\_\_

2. If gun powder is to be stored on-site, how is it being stored?

Response: \_\_\_\_\_

3. Please indicate the Occupant load of the facility as two exits may be required and only one is shown.  
Response:\_\_\_\_\_
4. Identify the locations of the Fire Extinguishers.  
Response:\_\_\_\_\_
5. Please indicate on the site plan if there are Exit signs or emergency lighting.  
Response:\_\_\_\_\_
6. Please indicate the type of hardware on the front door. Only single action hardware is allowed on the door.  
Response:\_\_\_\_\_
7. Identify the location of the Knox Box.  
Response:\_\_\_\_\_

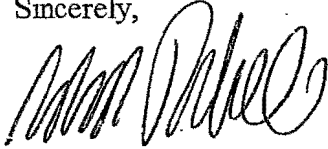
**PROJECT REFERRAL**

Date: August 29, 2011

RE: Case No. PLN2011-00096

If you have any questions, please contact me at the above number.

Sincerely,



Richard Tarbell  
Development Planning Division  
richard.tarbell@acgov.org

cc: Applicant: VALLEY GUNS & AMMO // NOBRIGA, STEVE 1196 Silver Trail Lane,  
Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

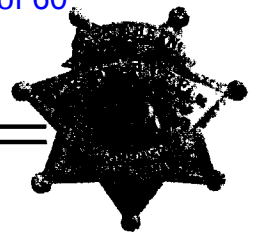
☒ No Comment - Date 8/31/11

Attachments

*JR*

# Alameda County Sheriff's Office

Eden Township Substation  
15001 Foothill Boulevard, San Leandro, CA 94578-1008



Gregory J. Ahern, Sheriff

Director of Emergency Services  
Coroner - Marshal

August 23, 2011

Alameda County Community Development Agency  
224 West Winton Avenue #111  
Hayward, CA 94544

Attention: Richard Tarbell

**RE: PLN2011-00096**

My staff reviewed the attached application and advised me of the following concerns. The Sheriff's Office has experienced a large volume of calls for service to retail stores in unincorporated Alameda County in the past year with a majority of the calls involving property crimes. This would significantly increase the likelihood of calls for service including thefts, burglaries, and robberies. The Sheriff's Office would like to see additional security features added to the building including a security/hold up alarm, video surveillance system, additional exterior lighting, heavy security doors and locks, also shatter resistant windows. X

Additionally, the Sheriff's Office would require the gun shop to comply with the following applicable laws and regulations:

Office of the Attorney General California Department of Justice, Dangerous Weapons Control Laws Title 2 Part 4. X

- Dangerous Weapons, Penal Codes 12000 thru 12809.
- Security Requirements for Firearms Dealers, Penal Code 12071.
- Imitation Firearms, Sniperscopes and Switchblades, Penal Codes 469 thru 654k.
- Mental Health, Welfare and Institutions Codes 8100 thru 8108.
- Second Hand Dealers, Business and Professions Code 21641.

Page 2

U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Firearms Regulations. X

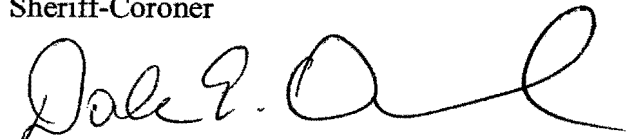
- Gun Control Act, 18 United States Code, Chapter 44.
- National Firearms Act, 26 United States Code, Chapter 53.
- Arms Export Control Act, 22 United States Code, Chapter 2778.
- National Instant Criminal Background Check, Title 28 CFR, Chapter 1.

The gun shop would be required to submit to an application process with the Alameda County Sheriff's Office for a Retail Firearms Dealer License, per Penal Code 12071. Y

Additionally, the gun shop would be required to comply with the applicable sections of the Alameda County General Ordinance regarding Firearms and Dangerous Weapons, Chapter 9.12. Y

If further assistance is needed, please contact Deputy Frank Buschhueter at (510) 667-3620.

Gregory J. Ahern,  
Sheriff-Coroner



Dale E. Amaral, Captain  
Law Enforcement Services  
Eden Township Substation

GJA:DEA:fjb



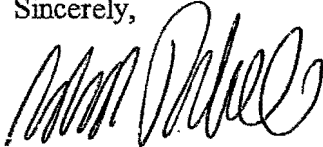
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Date: August 29, 2011

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Development Planning Division  
richard.tarbell@acgov.org

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Manteca, Ca 95336

Owner: GRAVES, MARY K TR 3325 Lenard Dr, Castro Valley, Ca 94546

☒ No Comment - Date 9/16/2011

Attachments

BID - Buld, PERMIT Required.  
Alla Lz

**Tarbell, Richard, CDA**

---

**To:** David Zechman; 'Susan Beck'; 'cca.bod@gmail.com'; 'kathleen@slvha.com'  
**Cc:** Patti Hart; Cheryl Christensen; Molly Billalon; Desiree Sanchez  
**Subject:** RE: Letter to recognize Mr. Teixeira and recommend him.

To answer your question - Mr. Teixeira is one of the partners in the proposed gun shop.

*Richard Tarbell, Planner*

Alameda County Community Development Agency

Planning Department

Phone (510) 670-5400

Fax: (510) 785-8793

Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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---

**From:** David Zechman [<mailto:dzechman@prodigy.net>]  
**Sent:** Monday, September 26, 2011 4:17 PM  
**To:** Tarbell, Richard, CDA; 'Susan Beck'; 'cca.bod@gmail.com'; 'kathleen@slvha.com'  
**Cc:** Patti Hart; Cheryl Christensen; Molly Billalon; Desiree Sanchez  
**Subject:** Re: Letter to recognize Mr. Teixeira and recommend him.

Mr. Tarbell. I am replying to all and copying the other members of the Ashland Community Association Board.

Who is Mr. Teixeira? It is not the name of the owner on the paperwork I received, but rather Steve Nobriga is named.

At any rate, I don't believe the letter of recommendation is relevant. Zoning already prohibits the location of a gun shop here--whether properly run or not. Such laws are there to preserve neighborhoods and protect residents. I believe your department's job is to uphold and enforce these laws. Please don't nullify these laws by granting an exception just because someone asks. Enough already. Just follow the law and say no.

Thank you,  
David Zechman, President  
Ashland Community Association

*ASHLAND*

**From:** "Tarbell, Richard, CDA" <[richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)>  
**To:** 'Susan Beck' <[soozebeck@gmail.com](mailto:soozebeck@gmail.com)>; 'cca.bod@gmail.com' <[cca.bod@gmail.com](mailto:cca.bod@gmail.com)>; 'kathleen@slvha.com' <[kathleen@slvha.com](mailto:kathleen@slvha.com)>; 'dzechman@prodigy.net' <[dzechman@prodigy.net](mailto:dzechman@prodigy.net)>  
**Sent:** Monday, September 26, 2011 3:06 PM  
**Subject:** Letter to recognize Mr. Teixeira and recommend him.

For your consideration:

Find attached a letter to speak for and recommend one of the principles of the Gun shop application from Former Alameda County Sheriff Charles Plummer.

Richard Tarbell, Planner  
Alameda County Community Development Agency  
Planning Department  
Phone (510) 670-5400  
Fax: (510) 785-8793  
Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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-----Original Message-----

From: [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org) [mailto:[ricohscanner@acgov.org](mailto:ricohscanner@acgov.org)]  
Sent: Monday, September 26, 2011 10:30 AM  
To: Tarbell, Richard, CDA  
Subject: Scanned Document Attached

This E-mail was sent from "RNP01F60E" (Aficio MP C6501).

Scan Date: 09.26.2011 13:30:18 (-0400)  
Queries to: [ricohscanner@acgov.org](mailto:ricohscanner@acgov.org)

**Tarbell, Richard, CDA**

---

To: PatiHart@aol.com  
Subject: RE: Re Gun Shop

Patti:  
Thank you for your response and input.

*Richard Tarbell, Planner*

Alameda County Community Development Agency

Planning Department

Phone (510) 670-5400

Fax: (510) 785-8793

Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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---

**From:** [PatiHart@aol.com](mailto:PatiHart@aol.com) [<mailto:PatiHart@aol.com>]

**Sent:** Monday, September 26, 2011 6:47 PM

**To:** Tarbell, Richard, CDA; [soozebeck@gmail.com](mailto:soozebeck@gmail.com); [kathleen@slvha.com](mailto:kathleen@slvha.com); [cca.bod@gmail.com](mailto:cca.bod@gmail.com)

**Subject:** Re Gun Shop

Zoning already prohibits the location of a gun shop in our area. ...this is not needed.....  
we have enough problems without this. Please spare us another "exception"....we have become a dumping ground for "exceptions".....

Respectfully Submitted  
Patti Hart  
677 Paradise Blvd  
Hayward, Ca ( In Ashland)  
V.P. Ashland Community Assn  
Block Captain Paradise Blvd

ASHLAND

**Tarbell, Richard, CDA**

---

**From:** PatiHart@aol.com  
**Sent:** Monday, September 26, 2011 6:47 PM  
**To:** Tarbell, Richard, CDA; soozebeck@gmail.com; kathleen@slvha.com; cca.bod@gmail.com  
**Subject:** Re Gun Shop

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Respectfully Submitted  
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V.P. Ashland Community Assn  
Block Captain Paradise Blvd



**Tarbell, Richard, CDA**

---

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**To:** Tarbell, Richard, CDA; 'Susan Beck'; 'cca.bod@gmail.com'; 'kathleen@slvha.com'  
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Thank you,  
David Zechman, President  
Ashland Community Association

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**To:** 'Susan Beck' <soozebeck@gmail.com>; "'cca.bod@gmail.com'" <cca.bod@gmail.com>; "'kathleen@slvha.com'" <kathleen@slvha.com>; "dzechman@prodigy.net" <dzechman@prodigy.net>  
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**Subject:** Letter to recognize Mr. Teixeira and recommend him.

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Alameda County Community Development Agency  
Planning Department  
Phone (510) 670-5400  
Fax: (510) 785-8793  
Email: [richard.tarbell@acgov.org](mailto:richard.tarbell@acgov.org)

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-----Original Message-----

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**Sent:** Monday, September 26, 2011 10:30 AM  
**To:** Tarbell, Richard, CDA  
**Subject:** Scanned Document Attached

